

**THE NEED FOR CONVENING
THE INTERNATIONAL
PEACE CONFERENCE
ON THE MIDDLE EAST**



UNITED NATIONS

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THE INTERNATIONAL
PEACE CONFERENCE
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**(In accordance with
General Assembly resolution 38/58 C)**

*Prepared for, and under the guidance of,
the Committee on the Exercise of
the Inalienable Rights of the Palestinian People*



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INTRODUCTION

Mankind witnessed numerous conflicts and wars in the twentieth century, conflicts of varying scope and destructiveness which have resulted in heavy human and material losses and indescribable suffering of peoples, even whole nations, i.e., two world wars, which brought our civilization to the brink of destruction, innumerable international crises and civil wars. Most of these conflicts have been resolved more or less definitively, such as the defeat of nazism and fascism and the end of colonialism.

There is, however, one issue which, in spite of its gravity, possible consequences and importance, still remains unresolved, although it has existed for over seven decades. It is the Middle East problem at the core of which is the question of Palestine. In this issue, various political, strategic, economic and religious elements are superimposed but at the heart of this tragedy is the long-suffering Palestinian people who are denied the right to self-determination without external interference and the right to national independence and sovereignty.

It is no exaggeration to say that the Arab-Israeli problem is unparalleled among today's regional conflicts. In the period following the Second World War, the persistence of the problem, its intensity, the recurring violence it has caused and its potential threat to international peace and security, have transformed this conflict into one of the most explosive and destabilizing conflicts in contemporary politics.

Forty years have already passed since the second session of the United Nations General Assembly adopted resolution 181 (II), entitled "Future government of Palestine" (see annex I), which recommended and made specific provisions for the establishment of two independent States in lieu of mandated Palestine, an Arab State and a Jewish State. This resolution has been implemented only as far as the creation of the Jewish State of Israel was concerned. But the rights of the Palestinian people, including its rights to self-determination and statehood, still remain to be implemented.

The 1967 Arab-Israeli war broke the existing status quo in the Middle East. Israel came to occupy the whole territory that had been mandated Palestine, which dramatically affected the Palestinian people living there.

Israel's policies had such a profound effect on the Palestinians that today a majority of Palestinian Arabs exit either as refugees, displaced and stateless persons without political identity, or civilian inhabitants of their own land under military occupation.

A comprehensive, just and durable peace in the Middle East cannot be achieved until this abnormality with all its privations, grievances and the sense of injustice is remedied and until a comprehensive solution to the Palestinian problem is found. In the course of the past decade an international consensus has emerged as to the prerequisites for a just and durable peace in the Middle East. It rests, inter alia, on two major propositions: Israel's withdrawal from all the Arab territories occupied since June 1967 and the recognition of the inalienable rights of the Palestinian people. It is now universally acknowledged that the Palestinian problem is the heart of the comprehensive resolution of the Arab-Israeli conflict and that the question of Palestine is central to war and peace in the Middle East.

I. THE 1973 INTERNATIONAL PEACE CONFERENCE ON THE MIDDLE EAST
AND RELATED PRE- AND POST-CONFERENCE DEVELOPMENTS

A. Political situation in the Middle East preceding the Conference

Over the years the search for a peaceful resolution of the Arab-Israeli conflict has been associated with a number of peace plans, proposals, agreements, diplomatic initiatives and missions undertaken by individual governments, intergovernmental organizations and political figures. Since its early days the United Nations has been increasingly preoccupied with and deeply involved in this enormously complex and many-sided regional problem.

1947-1949. On 29 November 1947, the United Nations General Assembly, in its resolution 181 (II), endorsed a plan submitted by the United Nations Special Committee on Palestine for the partition of the territory of Palestine (see Annex II), providing for the creation of "independent Arab and Jewish States" as well as a "Special International Régime for the City of Jerusalem."

The plan was not accepted by the Palestinian Arabs or by the Arab States. Immediately following the adoption of the partition resolution, violence in the region dramatically increased.

Israel was proclaimed on 14 May 1948 by the National Council, representing the Jewish people in Palestine and the World Zionist Movement. The departure of the British High Commissioner the following day ceremonially signalled the termination of the British Mandate over Palestine.

The fighting between the Arab forces on the one hand and what were now Israeli forces on the other escalated into the first Middle East war. The Israeli forces were well manned and well trained, drawing on the Jewish Brigade Group formed during the Second World War, and on the various armed paramilitary and terrorist groups such as the Haganah, the Palmach, ETZEL (Irgun Zvei Leumi) and LEHI (The Stern gang). Upon the termination of the mandate, Israel had occupied most of the territory of Palestine, beyond the boundaries specified by the partition resolution, with the exception of the parts of the territories allocated for the independent Arab State, held by the Arab legion from Jordan, and the Gaza Strip, held by Egyptian forces. But for these exceptions, Israel now controlled virtually the entire territory claimed by the Zionist Movement at the Peace Conference in 1919 as the "Jewish National Home".

The General Assembly appointed Count Bernadotte as United Nations Mediator to supervise the cease-fire of 1948. General Assembly resolution 194 (III) of 11 December 1948, based on Count Bernadotte's recommendations provided for the establishment of a Conciliation Commission for Palestine (CCP) with France, Turkey and the United States of America as members. The Arab States had voted against the resolution, and refused to hold direct negotiations with Israel. They, however, co-operated with CCP since it offered the only hope of dealing with the return of refugees and of pressing Israel to withdraw to the partition lines and to respect the special international régime of the Holy City of Jerusalem. In defiance of the United Nations resolutions, Israel transferred its capital from Tel Aviv to the western part of Jerusalem. CCP was able to arrange a conference in Lausanne, Switzerland, in April 1949, consisting of separate talks with the two sides, since the Arab States consistently rejected direct negotiations with Israel. On 12 May 1949, two separate protocols were signed by the Arab States and Israel, agreeing to use the partition

resolution's boundaries as a "basis for discussions with the Commission" (see Annex III).^{1/} This act reiterated the international commitment to establish a Palestinian Arab State on the basis of the partition resolution, but this position was, as reported by CCP, subjected by Israel to certain reservations from which it was clear that Israel now envisaged a Palestinian Arab State limited to the territories held by Egypt and Jordan, but this was unacceptable at the time to both the Palestinian Arabs and the Arab States.

The subsequent efforts of CCP to secure the right of peaceful return of the Palestinian Arabs, and to negotiate an international régime for Jerusalem, were inconclusive. It convened another conference in Paris in 1951, again without result.

Areas of Arab Palestine were formally united with the Hashemite Kingdom of Jordan on 24 April 1950. On that date, the Jordanian Majlis al-Ummah (Parliament), the representative of the two banks of the Jordan, adopted a resolution which, inter alia, confirmed:

"...the preservation of full Arab rights in (Palestine) and the defence of those rights by all legitimate means, as well as the fulfillment of all rights and non-interference without prejudice to the final settlement of the just Palestinian cause in a framework of national aspirations, Arab co-operation and international justice."^{2/}

Thirty eight years later, on 31 July 1988 in Amman, King Hussein of Jordan in his address declared:

"... we responded to the wish of the Palestinian people's representatives for unity with Jordan in 1950. From this premise, we respect the wish of the PLO, the sole and legitimate representative of the Palestinian people, to secede from us as an independent Palestinian state.

"...

"... Since there is unanimous conviction that the struggle for liberating the occupied Palestinian territory can be bolstered by disengaging the legal and administrative relationship between the two banks, then we must perform our duty and do what is required of us."^{3/}

1956. On 26 July 1956, Egypt proclaimed the nationalization of the Suez Canal Company and placed management of the canal traffic in the hands of an Egyptian operating authority. Nationalization of the Suez Canal Company was immediately followed by a series of events which included lengthy negotiations over how to settle the Suez question. It also resulted in the further deterioration of the situation, especially along the Egypt-Israel and Jordan-Israel Armistice demarcation lines. On 29 October 1956, Israel penetrated deeply into Egyptian territory in the Sinai Peninsula in violation of the Armistice Agreement between Egypt and Israel.^{4/}

In its military intervention Israel was promptly joined by France and the United Kingdom of Great Britain and Northern Ireland which, on 31 October, began air attacks against targets on Egyptian territory. The Suez Canal was blocked when Egypt sank ships in it closing the canal to navigation. Meeting in its first emergency special session (1-10 November 1956), convened under the terms of General Assembly resolution 377 (V) of 3 November 1950, the General Assembly called for a cease-fire and withdrawal of the foreign invading forces. The crisis ended with the deployment of the United Nations Emergency Force (UNEF-I).

1967. Following the withdrawal of the United Nations force at the request of Egypt, tension in the area rose sharply. It further aggravated after the Israeli refusal to accept UNEF-I on its side of the border. On 5 June 1967 another Arab-Israeli war erupted. This conflict resulted in fundamental changes in the situation in the Middle East and became a turning point in contemporary Middle East history.

Fighting broke out between Israel and Egypt, Jordan and Syria. In a series of its resolutions (233 (1967) of 6 June 1967, 234 (1967) of 7 June 1967 and 235 (1967) of 9 June 1967), the Security Council demanded an immediate cease-fire and a cessation of all military activities in the area. In view of the gravity of the political situation in the region and a virtual inability of the Security Council to come to an accepted decision on the issue, the Government of the Union of Soviet Socialist Republics requested the convening of an emergency special session of the General Assembly.^{5/}

The fifth emergency special session of the General Assembly, which was held in two parts from 17 June to 18 September, called upon Governments and international organizations to extend emergency humanitarian assistance to

those affected by the war (resolution 2252 (ES-V) of 4 July 1967). The Assembly asked Israel to "rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem" (resolutions 2253 (ES-V) of 4 July 1967 and 2254 (ES-V) of 14 July 1967). No resolution, however, was adopted regarding the need for Israel's immediate withdrawal from the occupied Arab territories.

When hostilities ended, Israel had occupied the Sinai and the Gaza Strip, the West Bank, including East Jerusalem, and part of the Golan Heights (see annex III).

Later that year, on 22 November 1967, the Security Council unanimously adopted resolution 242 (1967) (see annex IV), which defined principles for a just and lasting peace in the Middle East. Among the principles to be applied were: withdrawal of Israeli armed forces from territories occupied in the 1967 conflict; and termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and its right to live in peace within secure and recognized boundaries, free from threats or acts of force. The Council further affirmed the need to guarantee free navigation through international waterways in the area, to settle the refugee problem justly and to guarantee the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones.

The June 1967 Arab-Israeli war had a tremendous impact on the fate of the Palestinians, the majority of whom were made refugees - many for the second time - having sought refuge in the West Bank and Gaza during the first exodus of 1948. Those who stayed in Israeli occupied territory after 1967 came to form a new category distinct from those within Israel's pre-1967 borders, who were entitled to Israeli citizenship. This new class was one of a people under foreign military occupation, subject to military rule, its repercussions and its consequences for the suppression of civil liberties and rights.

But both the Palestinians inside Israel's pre-1967 borders and those in the territories occupied by Israel accounted for a minority of the Palestinian people. The majority were now in exile. In June 1967, of about 2.7 million persons of Palestinian origin, about 1.7 lived in Israel or the occupied territories - about one million in the West Bank, 400,000

in the Gaza Strip and 300,000 in the areas controlled by Israel.^{6/} As a result of the 1967 war, almost half a million fled their homes, leaving about 900,000 Palestinians in the areas newly occupied by Israel, a total of 1.2 million under Israeli control.^{7/} One and a half million were refugees in exile - in countries other than their own, their homeland under the control of the Jewish State.

B. Security Council resolution 338 (1973)

After the 1967 Arab-Israeli war and into the 1970s efforts were undertaken by the international community to resume the negotiating process in order to resolve the diplomatic deadlock in the Middle East. On 4 November 1970, the General Assembly spelt out, in resolution 2628 (XXV), the principles which in its view would bring peace to the region. It reaffirmed that a just and lasting peace should include the application of the following two principles: withdrawal of Israeli armed forces from territories occupied in the recent conflict (of 1967); termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and its right to live in peace within secure and recognized boundaries free from threats or acts of force. The Assembly also recognized that respect for the rights of the Palestinians was indispensable for a just and lasting peace and urged the speedy implementation of Security Council resolution 242 (1967).

Another large-scale Arab-Israeli war broke out on 6 October 1973 when Egyptian forces in the Suez Canal sector and Syrian forces on the Golan Heights attacked Israeli positions. Following the outbreak of war, the Security Council met several times in an effort to halt the hostilities.

The Secretary-General appealed to the conflicting Governments to consider alternative courses, before it was too late, so that fighting and bloodshed might cease. On 21 October 1973 the Security Council met in a meeting convened at the urgent request of the USSR and the United States. The United States and the USSR submitted a joint draft resolution which, inter alia, envisaged that,

"... immediately and concurrently with the cease-fire, negotiations shall start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East."

On 22 October the two-power draft was immediately adopted (by 14 votes to none) as resolution 338 (1974) (see annex V). The adoption by the Council of this crucial and timely document highlighted the idea that the only practical way of bringing about a just and lasting political settlement to the war-torn Middle East was through an international forum, which could become a durable and solid guarantee of peace and security in the region.

As fighting continued, the Council adopted, on 25 October, its resolution 340 (1973) deciding to set up a United Nations Emergency Force (UNEF-II), which effectively restored quiet in the Egypt-Israel sector. On 15 December, the Council adopted another significant resolution, resolution 344 (1973) (see Annex VI), which specifically dealt with the issue of convening a peace conference on the Middle East.

C. The International Peace Conference on the Middle East

In accordance with the provisions laid out in Security Council resolution 338 (1973), a peace conference on the Middle East was convened by the Secretary-General at Geneva on 21 December 1973, at which Egypt, Israel, Jordan, the USSR and the United States were represented. The Conference, co-chaired by the USSR and the United States, was viewed as a unique event taking place under the auspices of the United Nations. Two public meetings and one closed meeting were held. The Secretary-General, in his opening statement, emphasized the significance of the gathering in the following words:

"This Conference presents a historic challenge to its participants not only because the eyes of the world are upon it but because the situation in the Middle East, with all its manifold implications, urgently demands the statesmanship, courage, patience and vision of each and all the participants. I know that these qualities are not lacking in this room. I am

sure that all the participants share a sense of urgency and will not fail to seize the opportunity to build a lasting structure of peace in the area. It is an opportunity which may not recur for a very long time."^{8/}

Statements were made by all the delegations during the two public meetings, on 21 December.

In his statement the representative of the USSR stated that any document adopted by the Conference had to contain precise and clear obligations concerning the withdrawal of Israeli forces from the territories occupied by Israel in 1967. Without the achievement of an agreement by the parties on this question of principle there could be no settlement which would satisfy the interests of the Arab States and Israel, and the interests of international security. It was necessary to ensure respect for and recognition of the sovereignty, territorial integrity and political independence of all States of the region, and of their right to live in peace. The legitimate rights of the Arab people of Palestine had to be protected and the Palestinian problem could not be considered and decided without the participation of the Palestinians.^{9/}

The United States representative declared that the United States would make a determined and unflagging effort to achieve peace in the Middle East. Progress towards peace should include all parties concerned. The most immediate problem of the Conference was the separation of military forces and that the disengagement of forces was an essential first step - a consolidation of the cease-fire and a bridge to the "peaceful and accepted settlement" called for in Security Council resolution 242 (1967). A peace agreement must include among others: withdrawals, recognized frontiers, security arrangements such as demilitarized zones, guarantees, a settlement of the legitimate interests of the Palestinians and a recognition that Jerusalem contain places considered holy by three great religions.^{10/}

The representative of Egypt focused on the uniqueness and historic significance of the Conference. A just and durable peace in the area could not be based on the expansion by force of one country against another, the acquisition of foreign territories by force, the threatening of international and recognized boundaries under any pretext or argument, the infringement of the sovereignty of States and the violation of their territorial integrity, and the denial of the inalienable rights of the

Palestinians to self-determination and to live in peace. The essentials for peace in the Middle East included the total withdrawal of Israeli troops from the occupied Arab territories, the liberation of the Arab city of Jerusalem and non-acceptance of any situation which may be injurious to complete Arab sovereignty over the Holy City, the exercise by the Palestinians of the right to self-determination and to live in peace and dignity, the right of every State in the area to enjoy territorial inviolability and political independence, and the introduction of international guarantees by the major Powers or the United Nations or both as an added safeguard to international peace and security in the area.^{11/}

The representative of Jordan said that his Government's position had been that six major issues were to be decided upon at the Conference. They were to include Israel's complete withdrawal from all Arab territories, recognition of and respect for international boundaries of the States of the area as well as territorial integrity, sovereignty and independence of those States, establishment where absent of such boundaries between individual Arab States and Israel by agreement and on the basis of the inadmissibility of the acquisition of territory by force, the right of every State in the area to live in peace within secure and recognized boundaries, exercise of the legitimate rights of the Arab people of Palestine in accordance with the resolutions of the United Nations, and the status of Arab Jerusalem as an inseparable part of Arab territory occupied by Israel. The Jordanian delegation was not prepared to conclude any partial settlement on matters discussed at the Conference since the Government of Jordan viewed the Conference as a collective effort of all parties directly concerned.^{12/}

The representative of Israel said that his country's aim at the Conference was a peace treaty defining the terms of Israel's co-existence with neighbouring States. The peace treaty to be negotiated with each neighbouring State should contain an agreement on boundaries. There could be no return to the Armistice lines of 1949-1967, which had proved to be inherently fragile and which served as a temptation to an aggressive design of encirclement and blockade, from which Israel had broken out in 1967 after weeks of solitude and peril. For Israel the overriding concern was that of security. Referring to Jerusalem as Israel's capital, he underlined that his country did not wish to exercise exclusive jurisdiction or unilateral responsibility in the Holy Places of Christendom and Islam.^{13/}

Following the meetings, on 22 December, the Secretary-General summed up the conclusions of the Conference by stating that it had reached a consensus to continue its work through the setting up of a military working group, as well as other working groups which the Conference might wish to establish. The Military Working Group would discuss the question of disengagement of forces. The working groups would report their findings and recommendations to the Conference, which was continuing on an ambassadorial level. It would reconvene at the foreign minister level as needed in the light of developments.^{14/}

The Conference adjourned sine die on 22 December 1973.

The Military Working Group subsequently played an important role in the conclusion of agreements on the disengagement of forces between Egypt and Israel in January 1974 and October 1975. The Military Working Group was also involved in the conclusion of a disengagement agreement between Syria and Israel in May 1974. These agreements were carried out with the assistance of the United Nations peace-keeping forces: UNEF-II in the Egypt-Israel sector and the United Nations Disengagement Observer Force (UNDOF) in the Israel-Syria sector.

Although the Conference did not succeed in yielding substantive practical decisions aimed at resolving the Arab-Israeli conflict, the very fact of its convening was an undertaking of international significance. It allowed the parties not only to exchange views but also to correlate their positions and differences. The convening of the Conference and its deliberations signified the setting up of a special international mechanism which by design was to deal with the broad spectrum of issues relating to the Middle East problem.

D. 1974: Turning point in the United Nations approach
to the problem of the Palestinian people

Events that followed the Arab-Israeli war of October 1973 and the Geneva Peace Conference on the Middle East of December 1973 have become pivotal in many ways for the Palestinian people. They were marked by a considerable advancement of the status of the Palestine Liberation Organization (PLO) as well as by increasing recognition of the rights of the Palestinian people as a whole.

On 29 October 1974, the Conference of Arab Heads of State and Government, held at Rabat, Morocco, unanimously adopted a five-point resolution affirming the right of the Palestinian people to self-determination and to its own homeland, and recognizing the PLO as the sole legitimate representative of the Palestinian people.^{15/}

Meanwhile, the General Assembly was becoming increasingly involved in the Palestinian dimension of the Middle East problem. In September 1974, at the twenty-ninth session of the General Assembly, 56 Member States joined to propose that the item "The Question of Palestine" be included as a separate item in the Assembly's agenda. They pointed out that while various aspects of the problem had been addressed, the question of Palestine and the status and fate of the Palestinian people had not appeared on the agenda since 1952. The proposal was accepted and the question of Palestine has become part of the General Assembly's agenda. On 14 October 1974, by its resolution 3210 (XXIX) (see annex VII), the Assembly invited "the Palestine Liberation Organization, the representative of the Palestinian people, to participate in the deliberations of the General Assembly on the question of Palestine in plenary meetings."

On 22 November 1974, the inalienable rights of the Palestinian people to self-determination without external interference and to national independence and sovereignty along with its right to return to its homes and property, were reaffirmed by the General Assembly in its resolution 3236 (XXIX). It also recognized that the Palestinian people was a principal party in the establishment of a just and lasting peace in the Middle East.

Simultaneously, by its resolution 3237 (XXIX), the Assembly conferred on the PLO the status of observer, inviting the organization to participate in the sessions and the work of the General Assembly and all international conferences convened under the auspices of the Assembly and of other organs of the United Nations.

E. Establishment of the Committee on the Exercise of
the Inalienable Rights of the Palestinian People

At its thirtieth session, by resolution 3375 (XXX) of 10 November 1975, the General Assembly requested the Security Council to act in order to enable the Palestinian people to exercise its rights. The Assembly also called for the participation of the PLO, on an equal footing with other parties, in all efforts, deliberations and conferences on the Middle East held under the auspices of the United Nations, and requested the Secretary-General to make efforts to secure the invitation of the PLO to the Peace Conference on the Middle East (first convened at Geneva in December 1973).

On the same day, by its resolution 3376 (XXX), the General Assembly decided to establish a Committee on the Exercise of the Inalienable Rights of the Palestinian People and requested it to consider and recommend a programme that would enable the Palestinian people to exercise the rights defined by the Assembly.

In view of the aggravating situation in the Middle East, the Government of the USSR, on 9 January 1976, called for the prompt consideration of this matter by the Security Council.^{16/} The Council considered the agenda item "The Middle East problem including the Palestinian question" in a series of meetings in January 1976.^{17/} Six members of the Council (Benin, Guyana, Pakistan, Panama, Romania and the United Republic of Tanzania) sponsored a draft resolution affirming, inter alia, "that the Palestinian people should be enabled to exercise its inalienable national right of self-determination, including the right to establish an independent state in Palestine in accordance with the Charter of the United Nations".^{18/}

The draft resolution was vetoed by the United States, but, although the resolution was not adopted, the discussion which took place in the Council was marked by the affirmation by an overwhelming majority of the participants in the debate that the question of Palestine constituted the core of the Middle East conflict.

The Committee on the Exercise of the Inalienable Rights of the Palestinian People held its first meetings between February and May 1976

and later that year issued a report containing recommendations addressed to the Security Council.^{19/} The Committee in its report stated that "the question of Palestine is at the heart of the Middle East problem" and that "no solution in the Middle East can be envisaged which does not fully take into account the legitimate aspirations of the Palestinian people."^{20/} It urged the Security Council to promote action for a just solution, taking into account all the powers conferred on it by the Charter. The participation of the PLO, as the representative of the Palestinian people, on an equal basis with other parties, was "indispensable", the Committee said, in all deliberations and conferences held under United Nations auspices.

Recommendations in the Committee's report included a two-stage plan for the return of the Palestinians to their homes and property, a timetable for the withdrawal of Israeli forces from the occupied territories by 1 June 1977, and endorsement of the inherent right of the Palestinians to self-determination, national independence and sovereignty.

The Committee considered that the evacuation of the occupied territories was vital for the exercise by the Palestinian people of its inalienable rights in Palestine. It also considered that upon the return of the Palestinians and with the establishment of an independent Palestinian entity, the Palestinian people would be able to exercise its right to self-determination and to decide its form of government without external interference.

In its final proposals, the Committee recommended that the evacuated territories, with all property and services intact, should be taken over by the United Nations, which, with the co-operation of the League of Arab States, would subsequently hand over the territories to the PLO as the representative of the Palestinian people.

The Committee's report was considered by the Security Council on 9 June 1976. This report was especially significant since it embodied in fact the Committee's first attempt to devise practical steps of implementing the General Assembly and Security Council resolutions. The majority of speakers in the Council supported the Committee's recommendations during the discussion of the report. The delegations of Japan, Sweden, the United Kingdom and the USSR called for the reconvening of the Geneva Peace Conference with the participation of the PLO, as the

appropriate international machinery for negotiating a just and lasting peace in the Middle East. The Security Council considered again the recommendations of the Committee in October 1977 and April 1980 but failed to take any action.

The draft resolution, affirming the inalienable rights of the Palestinians, was vetoed by the United States who charged that the draft had been devoid of balance and ignoring the rights and interests of other parties. The Council has not so far taken any action on the Committee's recommendations. The General Assembly, on the other hand, has at successive sessions since 1976 endorsed the recommendations as providing a solid basis for the solution of the core of the Middle East problem - the question of Palestine.

II. THE MIDDLE EAST PEACE INITIATIVES UNDERTAKEN BETWEEN OCTOBER 1977 AND AUGUST 1983

A. Initiatives preceding the International Conference on the Question of Palestine

In the late 1970s the situation in the occupied Arab territories was steadily deteriorating. Mass Palestinian protests against the military occupation in the West Bank and Gaza and, in particular, the increasing political influence and recognition of the PLO on the Arab and international levels did not bring about any change in the policies of Israel in those territories. Moreover, the Government of Israel made efforts to destroy the PLO in Lebanon in an all-out war against Palestinian refugee camps on the Lebanese territory, in which thousands of innocent civilian Palestinians became victims.

Against this background, endeavours were continuing within the framework of the United Nations and beyond to resume negotiations for a just and lasting settlement of the Middle East problem.

The General Assembly, at its thirty-first session, adopted resolution 31/61 of 9 December 1976 on the situation in the Middle East, in which it requested the Security Council to take effective measures for the

implementation of all relevant resolutions of the Council and the Assembly. It also requested the Secretary-General to inform the Co-Chairmen of the Peace Conference on the Middle East of its resolution and to submit a report on its implementation to the Assembly at its thirty-second session. On the same day, the General Assembly adopted resolution 31/62, concerning the Peace Conference on the Middle East, in which it called for the early convening of the Peace Conference not later than the end of March 1977, and requested the Secretary-General to resume contacts with all the parties to the conflict and the Co-Chairmen of the Peace Conference, in accordance with his initiative of April 1976, with a view to convening the Peace Conference, and to submit a report to the Security Council on the results of his contacts and on the situation in the Middle East not later than 1 March 1977. The Assembly further requested the Security Council to convene, subsequent to the submission of the Secretary-General's report, in order to consider the situation in the area and to promote the process towards the establishment of a just and lasting peace in the area.

In pursuance of General Assembly resolution 31/62, the Secretary-General held initial consultations with the representatives of the parties and of the two Co-Chairmen. In February 1977 he travelled to the Middle East, where he held extensive consultations with leaders of Egypt, the Syrian Arab Republic, Saudi Arabia, Lebanon, Jordan and Israel, as well as with the Chairman of the PLO. On 28 February 1977, he submitted a detailed report to the Security Council,^{21/} in which he described the positions of the parties with regard to the questions of participation, timing, terms of reference, agenda and organization of the work of the Peace Conference. He also reported the views of the two Co-Chairmen on the need for and urgency of reconvening the Geneva Peace Conference. From his consultations, the Secretary-General concluded that, while all concerned were earnestly desirous of moving towards a negotiated settlement, a determined effort was necessary to overcome the lack of confidence and the mutual distrust and fears of all the parties as to the consequences of making compromises and concessions. He stated that although the main elements of the Middle East problem remained intractable, there was an increasing consciousness in the area that an opportunity existed at the time to resume negotiations in a meaningful way, and he warned that, if this opportunity were not seized, there were grave dangers that the situation would deteriorate once again.

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Late in March 1977 the Security Council considered the situation in the Middle East in the light of the Secretary-General's report, but it adjourned without adopting a resolution.

In the following months, efforts were made at various levels to reach an agreement on the modalities for resumption of the Geneva Peace Conference. On 1 October 1977, after exchanging views regarding the unsafe situation which persisted in the Middle East, the United States Secretary of State, Mr. C. Vance, and the Minister for Foreign Affairs of the USSR, Mr. A. Gromyko, as Co-Chairmen of the Geneva Peace Conference, issued a joint communiqué in which they outlined their common position on substantive as well as procedural questions connected with the search for a just and lasting settlement of the Middle East problem. In particular, they expressed their belief that the only right and effective way for achieving a fundamental solution to all aspects of the Middle East problem in its entirety was negotiation within the framework of the Geneva Peace Conference, specially convened for this purpose, with the participation in its work of the representatives of all the parties involved in the conflict, including those of the Palestinian people.^{22/} The next day, the Secretary-General issued a statement welcoming the joint declaration.

The General Assembly considered again the situation in the Middle East during its thirty-second session. On 25 November 1977, it adopted resolution 32/20 in which, among other things, it reaffirmed that "a just and lasting peace in the Middle East, in which all countries and peoples in the region can live in peace and security within recognized and secure boundaries, cannot be achieved without Israel's withdrawal from all Arab territories occupied since 5 June 1967 and the attainment by the Palestinian people of its inalienable national rights", called anew "for the early convening of the Peace Conference on the Middle East, under the auspices of the United Nations and the co-chairmanship of the Union of Soviet Socialist Republics and the United States of America, with the participation on an equal footing of all parties concerned, including the Palestine Liberation Organization", and urged "the parties to the conflict and all other interested parties to work towards the achievement of a comprehensive settlement covering all aspects of the problems and worked out with the participation of all parties concerned within the framework of the United Nations."

On 19 November 1977, President Anwar Sadat of Egypt visited Jerusalem and addressed the Israeli Knesset (Parliament) on 20 November. Subsequently, negotiations took place between Egypt and Israel under the auspices of the United States. In September 1979, the Camp David Accords were concluded: one on a framework for peace in the Middle East, and the other on a framework for the conclusion of a peace treaty between Egypt and Israel. The peace treaty between Egypt and Israel was signed on 26 March 1979 which led to the return of the Sinai Peninsula to Egypt.

The Arab Summit, convened in Baghdad on 31 March 1979, adopted a set of resolutions opposing the Camp David Accords. At its thirty-fourth session the General Assembly, in its resolution 34/65 B of 29 November 1979, declared that "the Camp David accords and other agreements have no validity in so far as they purport to determine the future of the Palestinian people and of the Palestinian territories occupied by Israel since 1967".

Moreover, the General Assembly has on several occasions opposed in principle any partial agreements or separate treaties that violate the inalienable rights of the Palestinian people, the principles of the Charter of the United Nations and relevant United Nations resolutions.

Countries of the European Community had also undertaken efforts to elaborate a joint position regarding the situation in the Middle East. On 13 June 1980, the European Council, meeting at Venice, Italy, adopted a declaration inter alia recognizing "the legitimate rights of the Palestinian people." It also stated that "a just solution must finally be found to the Palestinian problem which is not simply one of refugees. The Palestinian people ... must be placed in a position, by an appropriate process defined within the framework of the comprehensive peace settlement, to exercise fully its right to self-determination."^{23/} While Israel denounced the declaration, many Arab States and the PLO welcomed it.

In July 1980, the General Assembly convened for its seventh emergency special session in the midst of a highly charged atmosphere. In the occupied territories, there had been attempted assassinations of the Palestinian mayors of the towns of Nablus, Ramallah and Al Bireh. The expulsion of other Palestinian leaders - the mayors of Hebron and Halhoul and the Sharia Judge of Hebron - by the Israeli military occupation authorities had led to public disturbances. In response to these events,

the Security Council had urged the authorities to rescind the expulsion order and to allow the immediate return of the Palestinian leaders (resolution 484 (1980) of 19 December 1980).

The Assembly, at the emergency special session, stated that the failure to resolve the question of Palestine posed a grave threat to international peace and security. It declared once again that a comprehensive, just and lasting Middle East settlement was not possible without Israeli withdrawal from all the occupied Arab territories, including Jerusalem, and without the achievement of a just solution based on the attainment by the Palestinian people of its inalienable rights (resolution ES-7/2 of 29 July 1980).

In early 1982, the situation in the Middle East started to dramatically deteriorate dramatically as a result of increasing instability in Lebanon. Israel built up a strong military force on the border with Lebanon and began its invasion of the south of Lebanon with an aerial bombardment of Beirut on 4 and 5 June. On 6 June, Israeli forces launched a massive land, sea and air invasion of Lebanon which eventually resulted in the occupation of one-third of the country, including the Beirut-Damascus highway. It also included the siege of the western part of Beirut which had a disrupting effect on the living conditions of the civilian population since electricity, water, food and medical supplies were interrupted.

The 1982 Israeli invasion of Lebanon was the most protracted and bloody conflict of all in the Middle East. The massacre of innocent Palestinians in the refugee camps of Sabra and Shatila became a gruesome hallmark of the Israeli invasion, strongly condemned by the international community.

In the wake of the Israeli invasion in Lebanon, on 1 September 1982, President Ronald Reagan of the United States made a statement calling for self-government by the Palestinians of the West Bank and Gaza in association with Jordan. He also pointed out that his Government would not support the establishment of new Israeli settlements. The President stressed that the Arab-Israeli conflict should be settled "through negotiations involving an exchange of territory for peace." He made it clear that the Camp David accords remained the foundations of the United States Middle East policy.^{24/}

The plan was almost immediately criticized by the Israeli Government as well as the majority of Arab States.

On 9 September 1982, the Twelfth Arab Summit Conference, held at Fez, Morocco, adopted a declaration which included the following principles:

" ...

"1. The withdrawal of Israel from all the Arab territories occupied by it in 1967, including Arab Jerusalem;

"2. The dismantling of the settlements established by Israel in the Arab territories since 1967;

"3. The guaranteeing of freedom of worship and performance of religious rites for all religions in the Holy Places;

"4. The reaffirmation of the right of the Palestinian people to self-determination and to the exercise of their inalienable and imprescriptible national rights, under the leadership of the Palestine Liberation Organization, their sole and legitimate representative, and the indemnification of those who do not desire to return;

"5. The placing of the West Bank and the Gaza Strip under the supervision of the United Nations for a transitional period not exceeding a few months;

"6. The establishment of an independent Palestinian State with Jerusalem as its capital;

"7. The establishment by the United Nations Security Council of guarantees of peace between all States of the region, including the independent Palestinian State;

"8. The guaranteeing by the Security Council of the implementation of these principles."^{25/}

The General Assembly welcomed the Arab peace plan (resolution 37/123 F of 20 December 1982).

On 15 September 1982, Mr. Leonid I. Brezhnev, the General Secretary of the Central Committee of the Communist Party of the Soviet Union and Chairman of the Presidium of the Supreme Soviet of the USSR, speaking at the Kremlin in Moscow, set out principles for a peaceful settlement of the Arab-Israeli conflict. This six-point plan included, among other things, the principle of the inadmissibility of the acquisition of foreign territories by aggression; the exercise of the inalienable rights of the Palestinian people; the return of the eastern part of Jerusalem to the Arabs as an integral part of the Palestinian State, the termination of the state of war between the Arab States and Israel, the obligation of all parties to the conflict, including Israel and the Palestinian State, to respect each other's sovereignty, independence and territorial integrity; establishment of international guarantees for the settlement in the region, where the permanent members of the Security Council or the Council as a whole could assume the role of guarantors.^{26/}

Almost all the main principles of the Soviet Union's September 1982 peace plan largely coincided in substance with the Fez Declaration adopted earlier.

B. The International Conference on the Question
of Palestine (1983) and its significance

At its thirty-sixth session, the General Assembly decided, by resolution 36/120 C of 10 December 1981, to convene, under the auspices of the United Nations, an International Conference on the Question of Palestine not later than 1984, in response to and on the basis of Assembly resolution ES-7/2 of 29 July 1980.

As a result, the General Assembly, in resolution 36/120 C, authorized the Committee on the Exercise of the Inalienable Rights of the Palestinian People to act as the Preparatory Committee for the Conference and to take all the necessary steps for its organization; it also invited all appropriate United Nations bodies, the specialized agencies and other intergovernmental and non-governmental organizations to co-operate with the Committee in the implementation of that resolution. The Secretary-General was requested to appoint a Secretary-General of the Conference and to provide all necessary assistance to the Committee in the organization of the Conference.

In pursuance of General Assembly resolutions 36/120 C, ES-7/7 of 19 August 1982 and 37/86 C of 10 December 1982, the Conference was convened at the United Nations Office at Geneva from 29 August to 7 September 1983 to seek effective ways and means to enable the Palestinian people to attain and to exercise its inalienable rights.

In its report to the thirty-seventh session of the General Assembly, the Preparatory Committee recommended that the two main objectives of the Conference should be:

(a) To increase international awareness of the facts relating to the question of Palestine;

(b) To attain governmental and non-governmental support for effective ways and means to enable the Palestinian people to exercise its inalienable rights in Palestine on the basis of United Nations resolutions.^{27/}

More specifically, the purpose of the Conference was to ensure a universal commitment by all Member States to the achievement of Palestinian rights and the establishment of a Palestinian State within the framework of action adopted by the General Assembly at its thirty-first session.

The Conference was opened by Javier Pérez de Cuéllar, Secretary-General of the United Nations. In his statement he observed that the decision of the General Assembly to convene the International Conference underscored the importance attached by the international community to the question of Palestine and to the urgent need to find a just solution to that problem, based on the exercise by the Palestinian people of its inalienable rights.

The Secretary-General pointed out that the continued efforts of the United Nations had also produced a consensus on the fundamental elements required for a comprehensive settlement of the Middle East problem. In addition, peace initiatives proposed over the past year contained positive aspects, and the fact that disagreement persisted should not prevent a dialogue.

He stressed that the United Nations had a constructive and crucial role to play in the peace-making and peace-keeping process, and he reaffirmed his willingness to do everything in his power to advance that

process. This Conference was the latest step in the search for a solution to the question of Palestine. It was his hope that it would contribute significantly to the attainment of a satisfactory solution.

The Conference adopted by acclamation two major political documents: the Geneva Declaration on Palestine and the Programme of Action for the Achievement of Palestinian Rights. The Conference laid down six fundamental guidelines for concerted international effort to resolve the question of Palestine. These guidelines were the following:

"(a) The attainment by the Palestinian people of its legitimate inalienable rights, including the right to return, the right to self-determination and the right to establish its own independent State in Palestine;

"(b) The right of the Palestine Liberation Organization, the representative of the Palestinian people, to participate on an equal footing with other parties in all efforts, deliberations and conferences on the Middle East;

"(c) The need to put an end to Israel's occupation of the Arab territories, in accordance with the principle of the inadmissibility of the acquisition of territory by force, and, consequently, the need to secure Israeli withdrawal from the territories occupied since 1967, including Jerusalem;

"(d) The need to oppose and reject such Israeli policies and practices in the occupied territories, including Jerusalem, and any de facto situation created by Israel as are contrary to international law and relevant United Nations resolutions, particularly the establishment of settlements, as these policies and practices constitute major obstacles to the achievement of peace in the Middle East;

"(e) The need to reaffirm as null and void all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, including the expropriation of land and property situated thereon, and in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel;

"(f) The right of all States in the region to existence within secure and internationally recognized boundaries, with justice and security for all the people, the sine qua non of which is the recognition and attainment of the legitimate, inalienable rights of the Palestinian people as stated in paragraph (a) above."28/

It was emphasized by the participants that the Conference, in order to give effect to these guidelines, considered it essential that an international peace conference on the Middle East be convened on the basis of the principles of the Charter of the United Nations and the relevant resolutions of the United Nations, with the aim of achieving a comprehensive, just and lasting solution to the Arab-Israeli conflict, an essential element of which would be the establishment of an independent Palestinian State in Palestine. It also stressed that such a peace conference should be convened under the auspices of the United Nations, with the participation of all parties to the Arab-Israeli conflict, including the PLO, the United States and the USSR as well as other concerned States, on an equal footing. In this context the Security Council would have a primary responsibility to create appropriate institutional arrangements on the basis of relevant United Nations resolutions in order to guarantee and to carry out the accords of the International Peace Conference.

The Conference underlined that partial solutions were inadequate and delays in the search for a comprehensive solution to the problem did not eliminate tensions in the region. It concluded that the time factor was of vital importance for the peoples of the area.

The Conference was pivotal in a number of ways. It became the largest scale forum to deal with one of the most acute and many-faceted issues of our times - the question of Palestine. Recognizing it as the heart of the Middle East problem, the Conference consolidated an international consensus with regard to the responsibility and duty of the world community, and particularly of the United Nations, to bring about a solution to the problem. Another important feature of the Conference was the participation of a large and diversified group of non-governmental organizations in its work.

III. THE NEED FOR CONVENING THE INTERNATIONAL PEACE CONFERENCE ON THE MIDDLE EAST

A. General Assembly resolution 38/58 C of 13 December 1983

At its thirty-eighth session, the General Assembly adopted resolution 38/58 C (see annex VIII) concerning the convening of an international peace conference on the Middle East. The resolution invited the Security Council to facilitate the organization of the Conference and also requested the Secretary-General to report on his efforts no later than 15 March 1984. It was further decided that the report of the Secretary-General on the subject would be considered by the General Assembly at its thirty-ninth session.

The resolution welcomed and endorsed the call for the convening of an international peace conference on the Middle East in accordance with the following major guidelines: the attainment by the Palestinian people of its legitimate inalienable rights; the right of the PLO to participate on an equal footing with other parties in all efforts, deliberations and conferences on the Middle East; the need to put an end to Israel's occupation of the Arab territories and the need to secure Israel's withdrawal from the territories occupied since 1967; the need to oppose Israeli policies and practices in the occupied Arab territories; the need to reaffirm as null and void all legislative and administrative measures and actions taken by Israel; the right of all States in the region to existence within secure and internationally recognized boundaries.

As indicated in his report of 13 March 1984,^{29/} following consultations with the Security Council, on 9 March 1984, the Secretary-General addressed letters to 19 Governments and the PLO to ascertain their views on all issues relevant to the organization and convening of an international peace conference on the Middle East as called for in General Assembly resolution 38/58 C, including the identification of participants. The 19 Governments were the 15 members of the Security

Council* and the parties directly concerned in the Middle East conflict which were not members of the Security Council.**

The Secretary-General stated later on in his additional report^{30/} that from the replies he had received and the discussions he had held with the Governments and authorities concerned, it was evident that the convening of the proposed Conference would require, in the first place, the agreement in principle of the parties directly concerned, as well as the United States of America and the Union of Soviet Socialist Republics, to participate in the Conference. The Secretary-General also stated that it was clear from the replies of the Governments of Israel and the United States that they were not prepared to participate in the proposed conference.

The Committee on the Exercise of the Inalienable Rights of the Palestinian People expressed regret over the negative attitude of Israel and the United States and decided to maintain its efforts for the earlier convening of the proposed Conference, while urging the understanding and co-operation of all concerned for the resolution of a problem fundamental to the maintenance of international peace and security, and involving a clear case of the application of the inalienable rights of the Palestinian people to self-determination.

Concerted international effort on the question of convening the proposed Conference has been the Committee's priority objective since the adoption of resolution 38/58 C in 1983. Subsequent sessions of the General Assembly reaffirmed with increasing support the call for such a conference in resolutions 39/49 D, 40/96 D, 41/43 D (see annex IX), 42/66 D (see annex X) and 42/209 A (see annex XI).

The adoption of resolution 38/58 C clearly demonstrated that an international consensus had emerged regarding the idea of resolving the Middle East problem through the convening of an international conference on this issue under the auspices of the United Nations.

*China, Egypt, France, India, Malta, the Netherlands, Nicaragua, Pakistan, Peru, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Upper Volta and Zimbabwe.

**Israel, Jordan, Lebanon and Syrian Arab Republic.

B. The Middle East peace proposals after the
thirty-eighth session of the General Assembly

In compliance with the provisions of the Programme of Action for the Achievement of Palestinian Rights aimed at a prompt convening of the International Peace Conference on the Middle East,^{31/} the representative of the Union of Soviet Socialist Republic to the United Nations addressed, on 31 July 1984, to the Secretary-General a letter enclosing the text of a document dated 29 July 1984 entitled "Proposals by the Soviet Union on a Middle East settlement".^{32/}

The proposals made by the USSR once again focused on the imperative need of reaching a just and lasting settlement of the Middle East conflict "through collective efforts with the participation of all parties concerned." The Soviet Union proposed full withdrawal of Israeli troops from the Arab territories occupied since 1967, a just solution to the key problem of the Middle East settlement - the Palestinian problem - on the basis of the implementation of the inalienable rights of the Palestinian people including, *inter alia*, the rights to self-determination and to the creation of its own independent State.

In his 1984 report on the situation in the Middle East,^{33/} the Secretary-General stressed that the Middle East conflict, involving complex interrelated issues, could be fully resolved only by a comprehensive settlement covering all its aspects. In the Secretary-General's view a comprehensive settlement in the Middle East would have to meet these conditions: the withdrawal of the Israeli forces from occupied territories; respect and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries, free from threats or acts of force; and, lastly, a just settlement of the Palestinian problem based on the recognition of the legitimate rights of the Palestinian people, including self-determination. In this context, the question of Jerusalem also remains of primary importance.^{34/}

He further observed that a comprehensive settlement would have to be reached at least in its final stage, if not earlier, through a process of negotiation in which all the parties concerned would participate. The Secretary-General stated that it was generally recognized that the support

of the major Powers, especially the USSR and the United States, would be essential for any lasting settlement in the Middle East. From a purely rational point of view, all these requirements could best and most readily be met if negotiations were undertaken under some form of United Nations auspices.^{35/}

Several regional initiatives were undertaken in 1985. The Secretary-General, in his report of 22 October 1985,^{36/} stated that he had been informed by the Government of Jordan of "an agreement reached by King Hussein and Chairman Arafat of the PLO on 23 February 1985*, under which Jordan and the PLO would move together toward the achievement of a peaceful and just settlement of the Middle East crisis and the termination of Israeli occupation of the occupied Arab territories". He further pointed out that the Government of Jordan "kept him informed of the efforts undertaken subsequently by King Hussein to bring about negotiations under the auspices of an international conference with the participation of the five permanent members of the Security Council and all the parties to the conflict. In this connection, it emphasized that the international conference should be in the framework of the United Nations".^{37/}*

The Committee on the Exercise of the Inalienable Rights of the Palestinian People continued its efforts aimed at solving the question of Palestine. In its 1985 report, it strongly pointed out that the question of Palestine had reached a critical phase and urged a renewed, concerted and collective action to find a just solution under United Nations auspices and on the basis of relevant United Nations resolutions to end the plight of the Palestinian people. The Committee also expressed its conviction that the International Peace Conference on the Middle East, as endorsed in General Assembly resolution 38/58 C, and generating quasi-unanimous support, could provide a comprehensive opportunity for all parties concerned to participate in negotiations which would lead to a just and lasting solution of the problem.^{38/}

The idea of a comprehensive effort in any attempt to solve the Middle East problem has been consistently advocated by the Arab States. The

*The text of the agreement is contained in a study entitled "Approaches for the Practical Attainment of the Inalienable Rights of the Palestinian People" (1986), prepared by the Division for Palestinian Rights.

Communiqué of the Extraordinary Summit Conference of Arab States, held in Casablanca, Morocco, on 7-9 August 1985, reaffirmed the Arab States' long-standing support for an international peace conference on the Middle East. The Casablanca Summit emphasized the convening of such a forum within the United Nations framework with the attendance by, and participation of, the Soviet Union, the United States and the other permanent members of the Security Council, as well as of the PLO, the sole legitimate representative of the Palestinian people, and the other parties concerned, would help to bring about peace in the Arab region.^{39/}

In the 1985 report of the Secretary-General on the situation in the Middle East, it was underlined that the Security Council had a major and universally recognized responsibility for this complex and potentially explosive issue and could play a vital role in the evolution of a just and lasting settlement in the region. The Secretary-General was aware of the many difficulties facing this endeavour, the success of which would depend on the agreement and co-operation of the major Powers. It would also require the necessary accommodations and adjustments by the parties directly concerned.^{40/}

During 1984-1985 and into 1986, the situation in the occupied Palestinian territories continued to deteriorate, according to reports issued by a variety of sources, such as Governments, United Nations agencies, intergovernmental and non-governmental organizations, individual experts and the media. The continuing worsening of the living conditions and situation of Palestinian refugees in south Lebanon, as a result of Israeli expansionist policies and practices was another distinctive feature of this period.

The information reviewed by the Committee on the Exercise of the Inalienable Rights of the Palestinian People left no doubt that Israel had persisted in its policy of confiscating Arab-owned land in the occupied Palestinian territories and of increasing the size and number of its settlements, despite the fact that such policy is in violation of the Geneva Convention relative to the Protection of Civil Persons in Time of War, of 12 August 1949,^{41/} and contrary to United Nations resolutions. At the same time, Israel had continued in its policy of Judaization of the occupied Palestinian territories through their gradual economic and administrative incorporation into the Israeli national system and the creation of conditions aimed at forcing the Palestinian population to emigrate from their land.

The process of annexation of the occupied Palestinian and Arab territories was accompanied by measures designed to suppress all forms of resistance and of political, social, cultural and economic expression of the Palestinian people, as well as by acts of violence and provocation by Israeli troops and by armed Jewish settlers against Palestinians.

The Palestinians became the victims of the reinstatement, in August 1985, of the emergency regulations of 1945, introduced during the British Mandate, which provide for deportation of persons, administrative detention without charges or trial for renewable six-month periods, and the closing-down of newspapers. This measure was reported to have become the corner-stone of a new repressive policy of the Israeli authorities aimed at curbing activities in opposition to the occupation.^{42/}

In this situation the General Assembly at its fortieth session adopted resolution 40/96 D of 12 December 1985 in which it, inter alia, reaffirmed again its endorsement of the call for convening the International Peace Conference on the Middle East and called upon the Governments of Israel and the United States to reconsider their positions towards the attainment of peace in the Middle East through the convening of the Conference.

Pursuant to the provisions of paragraph 6 of that resolution, the Secretary-General proceeded with his efforts aimed at creating conditions favourable for the convening of an international forum under United Nations auspices finally to break the stalemate in the issue and find a solution to the question of Palestine, the root cause of the Middle East conflict. In his letter to the President of the Security Council on the question of the Conference, the Secretary-General stated that the obstacles which had prevented the convening of the International Peace Conference on the Middle East as called for by the General Assembly still existed and that the observations contained in his report of 22 October 1985 remained valid.^{43/}

During 1986 a number of proposals were advanced with the goal of bringing together all the parties genuinely interested in terminating the Arab-Israeli conflict in an international forum for peace in the area. The Soviet Union has made a series of calls over that year for the establishment of a preparatory committee within the framework of the Security Council. Constructive initiatives were undertaken by individual Arab and West European States. A strong support for the plight of the Palestinians and early convening of the Conference was contained in the

Political Declaration adopted by the Eighth Conference of Heads of State or Government of the Non-Aligned Countries held at Harare from 1 to 6 September 1986.^{44/} A significant contribution to the cause of convening the Conference was made by the non-governmental organizations throughout the world dedicated to the struggle for peace in the Middle East and the exercise by the Palestinian people of its inalienable rights.

The obstacles that remain to the convening of the Conference once again became obvious during the debate at the forty-first session of the General Assembly, which, by a vast majority, adopted resolution 41/43 D (see annex IX), which endorsed the call for convening the Conference. Moreover, the resolution called for setting up a preparatory committee, within the framework of the Security Council, with the participation of the permanent members of the Council to take the necessary action to convene the Conference. By the same resolution the Secretary-General, in consultation with the Security Council, was requested to continue his efforts with a view of convening the Conference and to report on this matter to the General Assembly not later than 15 May 1987.

The search for a peaceful settlement of the Middle East problem was given a new impetus in early 1987. First, the idea of convening an international peace conference on the Middle East was strongly supported by the Fifth Islamic Summit Conference, held in Kuwait on 26-29 January 1987, in a resolution which stated, inter alia, that:

"The Fifth Islamic Summit Conference,

"...

"3. Reaffirms the commitment of the Member States to the convening of an International Conference for Peace in the Middle East under the aegis of the United Nations, with the participation of all the parties concerned in the Arab-Israeli conflict, including the Palestine Liberation Organization on an equal footing with them, as well as the rest of the permanent members of the Security Council, with a view to implementing the relevant United Nations resolutions, and the convening of a preparatory committee at which the five permanent members of the Security Council should also be represented."^{45/}

On 23 February, the European Community meeting at Brussels voiced its endorsement for the convening of the Conference in a "Declaration of the Foreign Ministers of the Twelve Member States of the European Community on the Middle East" the text of which was contained in a letter addressed to the Secretary-General.^{46/} Among other things related to the situation in the area, the Declaration pointed out that:

"...the Twelve would like to state that they are in favour of an international peace conference to be held under the auspices of the United Nations with the participation of the parties concerned and of any party able to make a direct and positive contribution to the restoration and maintenance of peace and to the region's economic and social development. The Twelve believe this conference should provide a suitable framework for the necessary negotiations between the parties directly concerned."^{47/}

Foreign Ministers of the group of five Scandinavian States meeting at Reykjavik on 25 and 26 March 1987, had the Middle East problem high on their agenda. Upon the termination of the meeting, the Nordic Foreign Ministers issued a statement supporting the idea of the International Peace Conference on the Middle East under the auspices of the United Nations with the participation of the parties concerned.

The Non-Aligned Movement once again voiced its support for the convening of the Conference during the meeting of its Committee of Nine on Palestine held at Harare on 14 and 15 April 1987. The Committee also urged intensified efforts to begin the preparatory process for the early convening of the Conference.

The eighteenth session of the Palestine National Council, which took place at Algiers from 20 to 26 April 1987, in its report supported the convening of the International Peace Conference on the Middle East within the framework of the United Nations and under its auspices with the participation of the permanent members of the Security Council and the concerned parties, including the PLO on an equal footing with the other parties. The report also rendered support for the proposal regarding the establishment of the preparatory committee for the Conference.

Pursuant to General Assembly resolution 41/43 D of 2 December 1986, the Secretary-General submitted his report on the question of Palestine and the situation in the Middle East.^{48/} The report was prepared on the basis of the Secretary-General's round of consultations with all the members of the Security Council and representatives of the Member States directly concerned - Egypt, Israel, Jordan, Lebanon, Syrian Arab Republic, and the PLO.

The report lays special emphasis on the attitude of the Security Council members towards the Secretary-General's effort to explore ways for a comprehensive settlement of the Middle East conflict in general, and for an International Peace Conference on the issue, in particular. Stressing the new elements in this process, the Secretary-General stated the following:

"All members of the Security Council were concerned about the Middle East problem, and all expressed support for a continuation of the Secretary-General's efforts to bring about a just and lasting peace in the Middle East. Moreover, in contrast with the experience of recent years, none of the Council members opposed in principle the idea of an international conference under United Nations auspices."^{49/}

The report indicates, however, that despite the increased interest on the part of the international community in the idea of a conference that would be convened under the United Nations auspices and indications of greater flexibility on this issue amongst the parties, "very deep differences remain between the parties."^{50/}

The Secretary-General expressed his intention to step up in the coming months the contacts with the parties to try to find ways of bridging the gaps between them and keep the General Assembly and the Security Council informed of the progress.

In accordance with General Assembly resolution 41/162 A of 4 December 1986, the Secretary-General submitted his report on various aspects of the situation in the Middle East^{51/} to the General Assembly at its forty-second session. Reporting on the developments related to negotiating a comprehensive settlement of the Arab-Israeli conflict and on the prospects for the convening of the International Peace Conference on the Middle East,

the Secretary-General said that two factors - international backing as well as the support of the parties concerned - had provided an important basis for the several rounds of consultations.

Addressing the issue of the existing differences between the parties, the Secretary-General pointed out that those are "differences about the procedural aspects of a conference." He also expressed his hope that, with the principle accepted, the gaps on procedure could be bridged through patient diplomacy. He, however, clearly outlined the still existing obstacle to the convening of such a conference:

"The major obstacle at present, however, is one of a different kind, namely, the inability of the Government of Israel as a whole to agree on the principle of an international conference under United Nations auspices. Until the Israeli Government accepts that such a conference is the best way to negotiate a peace settlement, the way forward will remain difficult."^{52/}

The Secretary-General was nevertheless encouraged by the fact that

"...the idea of an international conference under United Nations auspices has been given high priority among the Arab parties to the conflict, and has been the subject of lively debate within Israel. These positive trends, combined with the growing international consensus in favour of the early convening of a conference, demand of us that we consolidate and build on the foundation that has so far been established."^{53/}

The Arab Summit held at Amman from 8 to 11 November 1987, inter alia, affirmed that the Palestinian issue was the core issue of the Middle East conflict. The Summit supported the convening of the United Nations-sponsored International Conference on the Middle East with the participation of all parties concerned, including the PLO, the sole legitimate representative of the Palestinian people, on an equal footing, in addition to the permanent members of the United Nations Security Council.

The issue of the convening of the International Peace Conference on the Middle East was one of the major issues discussed at the forty-second session of the General Assembly during the consideration of agenda items 38, "Question of Palestine" and 39, "The situation in the Middle East".

The general debate on the above agenda items clearly indicated that there is a growing understanding and awareness among Member States of the urgency and complexity of the question of Palestine, as the core of the Arab-Israeli conflict. The debate also reflected an increased interest in the international community in a just, peaceful and comprehensive settlement of the conflict. Almost all the delegations spoke in favour of convening the International Peace Conference on the Middle East under the aegis of the United Nations.

By an overwhelming majority of votes, the General Assembly adopted on 2 December 1987 resolution 42/66 D (see annex X) relating to the convening of such a conference. The resolution endorsed anew the call for the convening of the International Peace Conference on the Middle East stressing "the urgent need for additional concrete and constructive efforts by all Governments in order to convene the Conference without further delay."

CONCLUSION

The grave situation in the Middle East continues to deteriorate. The political status quo in the region and the lack of any real progress in the peace-making effort in the Middle East make it a potential threat to international peace and security. The cycle of violence and oppression exacerbates regional tension. At the heart of the existing problem is the question of Palestine which, over the years, has become a major concern of the United Nations. However, despite efforts that are being made by the United Nations, individual governments or groups of governments, there exists a gap between the diplomatic advancement of the question of Palestine in the United Nations resolutions and decisions and the steady worsening of the overall situation in the Middle East. The Israeli policy of establishing new settlements, violating the inalienable rights of the Palestinian population in the occupied Arab territories, expropriating Palestinian lands under existing emergency laws and regulations, diverting water resources from Arab to its own use, demolishing Palestinian housing facilities, inflicting collective punishment to villages and camps, etc. still continues and increases with the passage of time.

The vital interests of the peoples of the Middle East as well as the interests of international security urgently dictate the need for the

speediest resolution of the Middle East conflict. While this conflict embraces various dimensions, it is the suffering of and injustice perpetrated against the Palestinian Arab people for decades that are the core of the conflict. Lasting peace in the area cannot be attained without a just solution to the question of Palestine. An overwhelming majority of States Members of the United Nations support the idea of convening the International Peace Conference on the Middle East as a means to advancing the cause of a just, comprehensive and lasting peace in the region. In their view, the Conference under United Nations auspices, with the participation of all the parties concerned, could work out practical and effective ways of reaching an agreement, inter alia, on the issues of withdrawal of Israeli troops from all the occupied Arab territories, the exercise by the Arab people of Palestine of its legitimate national rights, including its inalienable right to the establishment of its own independent State in Palestine, and respect and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area.

In view of the deteriorating situation in the region, the convening of the International Peace Conference on the Middle East is becoming increasingly essential and there is a consensus on the need and urgency to convene such a conference. This being so, it is important that the international community now begin to take practical steps to prepare for the Conference.

The commencement of preparatory work should be undertaken by the permanent members of the Security Council in consultation with the parties directly concerned, with a view to taking concrete steps for the convening of the Conference. This process would also contribute to the achievement of an immediate, just and comprehensive political settlement and give a real impetus to the movement towards peace.

Notes

1/ See United Nations Conciliation Commission for Palestine, Third Progress Report (for the period 9 April - 8 June 1949 inclusive), document A/927 of 21 June 1949, Annexes A and B, pp. 11 and 12.

2/ See Collection of Laws and Regulations Adopted and in Force up to 1956 in the Hashemite Kingdom of Jordan, vol. I, edited and compiled by Hanna al-Saa, Salah al-Din al-Abbasi, and Subhi al-Qutb. Arrangement, revision and printing co-ordinated by Subhi al-Qutb. Published by The Association of Lawyers, first impression, Amman, 1957, p. 4.

3/ Foreign Broadcast Information Service, Daily Report: Near East and South Asia, No. FBIS-WES-88-147, 1 August 1988, pp. 39-40.

4/ Letter dated 13 June 1967 from the representative of the United States of America (Official Records of the Security Council, Twenty-second Year, Supplement for April, May and June 1967, document S/3706).

5/ Letter dated 13 June 1967 from the representative of the Union of Soviet Socialist Republics requesting the convening of an emergency special session of the General Assembly "to consider the question of liquidating the consequences of Israel's aggression against the Arab States and the immediate withdrawal of Israeli troops behind the Armistice lines." (Official Records of the General Assembly, Fifth Emergency Special Session, Annexes, agenda item 5, document A/6717).

6/ Janet L. Abu-Lughod, The Transformation of Palestine, Evanston, Ill., Northwestern University Press, 1971, p. 162.

7/ Op.cit., p. 163.

8/ Report of the Secretary-General submitted in pursuance of Security Council resolution 344 (1973), (Official Records of the Security Council, Twenty-eighth Year, Supplement for October, November and December 1973, document S/11169).

9/ See Peace Conference on the Middle East, Verbatim record of the opening meeting (PCME/PV.1), p. 7.

- 10/ Ibid., pp. 12-14.
- 11/ Ibid., pp. 17-19.
- 12/ Ibid., pp. 23-25.
- 13/ Ibid., Verbatim record of the second meeting of (PCNE/PV.2), pp. 6, 8 and 9.
- 14/ Ibid., Statement by the Secretary-General of the United Nations (PCNE/2).
- 15/ Arab Report and Record, 16-31 October 1974, Issue 20, p. 465; see also The Israel-Arab Reader: A Documentary History of the Middle East Conflict, Walter Laqueur and Barry Rubin, eds., New York, Facts on File Publications, 1984, p. 518.
- 16/ See Official Records of the Security Council, Thirty-First Year, Supplement for January, February and March 1976, document S/11928.
- 17/ Ibid., Thirty-First Year, 1870th to 1879th meetings.
- 18/ Ibid., Thirty-First Year, Supplement for January, February, and March 1976, document S/11940.
- 19/ Official Records of the General Assembly, Thirty-first Session, Supplement No. 35 (A/31/35), Part two.
- 20/ Ibid., para. 59.
- 21/ Official Records of the Security Council, Thirty-second Year, Supplement for January, February and March 1977, document S/12290.
- 22/ The Search for Peace in the Middle East: Documents and Statements, 1967-79, Report prepared for the Sub-Committee on Europe and Middle East of the Committee of Foreign Affairs, U.S. House of Representatives by the Foreign Affairs and National Defense Division, Congressional Research Service, Library of Congress, Washington, D.C., 1979, pp. 159-160.

23/ See Official Records of the Security Council, Thirty-fifth Year, Supplement for April, May and June 1980, document S/14009, para. 6; see also The New York Times, 14 June 1980.

24/ The New York Times, 2 September 1982.

25/ See Official Records of the Security Council, Thirty-seventh Year, Supplement for October, November and December 1982, document S/15510, annex, sect. I.

26/ Ibid., document S/15403.

27/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 49 (A/37/49 and Corr.1), para. 19.

28/ Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983 (United Nations publication, Sales No. E.83.I.21), chap. I, sect. A, para. 4.

29/ Official Records of the Security Council, Thirty-ninth Year, Supplement for January, February and March 1984, document S/16409.

30/ Ibid., Supplement for July, August and September 1984, document S/16409/Add.1.

31/ Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983 (United Nations publication, Sales No. E.83.I.21), chap. I, sect. B, part II.A (2).

32/ Official Records of the Security Council, Thirty-ninth Year, Supplement for July, August and September 1984, document S/16685.

33/ Ibid., Supplement for October, November and December 1984, document S/16792.

34/ Ibid., para. 38.

35/ Ibid., para. 39.

36/ Ibid., Fortieth Year, Supplement for October, November and December 1985, document S/17581.

37/ Ibid., para. 31.

38/ See Official Records of the General Assembly, Fortieth Session, Supplement No. 35 (A/40/35), paras. 167-168.

39/ Note verbale dated 19 August 1985 from the Permanent Mission of Morocco (A/40/564 and Corr.1), annex.

40/ Official Records of the Security Council, Fortieth Year, Supplement for October, November and December 1985, document S/17581, paras. 39 and 40.

41/ United Nations, Treaty Series, Vol. 75, No. 973, p. 287.

42/ See Official Records of the General Assembly, Fortieth Session, Supplement No. 35 (A/41/35), paras. 18 to 21.

43/ See Official Records of the General Assembly, Forty-First Year, Supplement for January, February and March 1986, document S/17916, para. 2.

44/ Letter dated 30 September 1986 from the representative of Zimbabwe (A/41/697-S/18392), annex, sect. I, paras. 175-191.

45/ Letter dated 3 March 1987 from the representative of Kuwait (A/42/178-S/18753), annex II, resolution no. 1/5-P(IS).

46/ Letter dated 24 February 1987 from the representative of Belgium (A/42/151-S/18718).

47/ Ibid., annex, para. 4.

48/ A/42/277-S/18849.

49/ Ibid., para. 3.

50/ Ibid., para. 6.

51/ See A/42/714-S/19249.

52/ Ibid., para. 33.

53/ Ibid., para. 34.

Annex I

GENERAL ASSEMBLY RESOLUTION 181 (II) OF 29 NOVEMBER 1947

181 (II). Future government of Palestine

A

The General Assembly,

Having met in special session at the request of the mandatory Power to constitute and instruct a special committee to prepare for the consideration of the question of the future government of Palestine at the second regular session;

Having constituted a Special Committee and instructed it to investigate all questions and issues relevant to the problem of Palestine, and to prepare proposals for the solution of the problem, and

Having received and examined the report of the Special Committee (document A/364)¹ including a number of unanimous recommendations and a plan of partition with economic union approved by the majority of the Special Committee,

Considers that the present situation in Palestine is one which is likely to impair the general welfare and friendly relations among nations;

Takes note of the declaration by the mandatory Power that it plans to complete its evacuation of Palestine by 1 August 1948;

Recommends to the United Kingdom, as the mandatory Power for Palestine, and to all other Members of the United Nations the adoption and implementation, with regard to the future government of Palestine, of the Plan of Partition with Economic Union set out below;

Requests that

(a) The Security Council take the necessary measures as provided for in the plan for its implementation;

(b) The Security Council consider, if circumstances during the transitional period require such consideration, whether the situation in Palestine constitutes a threat to the peace. If it decides that such a threat exists, and in order to maintain international peace and security, the Security Council should supplement the authorization of the General Assembly by taking measures, under Article 39 and 41 of the Charter, to empower the United Nations Commission, as provided in this

resolution, to exercise in Palestine the functions which are assigned to it by this resolution;

(c) The Security Council determine as a threat to the peace, breach of the peace or act of aggression, in accordance with Article 39 of the Charter, any attempt to alter by force the settlement envisaged by this resolution;

(d) The Trusteeship Council be informed of the responsibilities envisaged for it in this plan;

Calls upon the inhabitants of Palestine to take such steps as may be necessary on their part to put this plan into effect;

Appeals to all Governments and all peoples to refrain from taking any action which might hamper or delay the carrying out of these recommendations, and

Authorizes the Secretary-General to reimburse travel and subsistence expenses of the members of the Commission referred to in Part I, Section B, paragraph 1 below, on such basis and in such form as he may determine most appropriate in the circumstances, and to provide the Commission with the necessary staff to assist in carrying out the functions assigned to the Commission by the General Assembly.

B

The General Assembly

Authorizes the Secretary-General to draw from the Working Capital Fund a sum not to exceed \$2,000,000 for the purposes set forth in the last paragraph of the resolution on the future government of Palestine.

*Hundred and twenty-eighth plenary meeting,
29 November 1947.*

At its hundred and twenty-eighth plenary meeting on 29 November 1947 the General Assembly, in accordance with the terms of the above resolution, elected the following members of the United Nations Commission on Palestine:

BELGIA, CZECHOSLOVAKIA, DENMARK, PANAMA AND PHILIPPINES.

PLAN OF PARTITION WITH ECONOMIC UNION

PART I

Future constitution and government of Palestine

A. TERMINATION OF MANDATE, PARTITION AND INDEPENDENCE

1. The Mandate for Palestine shall terminate as soon as possible but in any case not later than 1 August 1948.

¹This resolution was adopted without reference to a Committee.

¹ See *Official Records of the Second Session of the General Assembly*, Supplement No. 11, Volume I-IV.

2. The armed forces of the mandatory Power shall be progressively withdrawn from Palestine, the withdrawal to be completed as soon as possible but in any case not later than 1 August 1948.

The mandatory Power shall advise the Commission, as far in advance as possible, of its intention to terminate the Mandate and to evacuate such area.

The mandatory Power shall use its best endeavours to ensure that an area situated in the territory of the Jewish State, including a support and hinterland adequate to provide facilities for a substantial immigration, shall be evacuated at the earliest possible date and in any event not later than 1 February 1948.

3. Independent Arab and Jewish States and the Special International Regime for the City of Jerusalem, set forth in part III of this plan, shall come into existence in Palestine two months after the evacuation of the armed forces of the mandatory Power has been completed but in any case not later than 1 October 1948. The boundaries of the Arab State, the Jewish State, and the City of Jerusalem shall be as described in parts II and III below.

4. The period between the adoption by the General Assembly of its recommendations on the question of Palestine and the establishment of the independence of the Arab and Jewish States shall be a transitional period.

B. STEPS PREPARATORY TO INDEPENDENCE

1. A Commission shall be set up consisting of one representative of each of five Member States. The Members represented on the Commission shall be elected by the General Assembly on as broad a basis, geographically and otherwise, as possible.

2. The administration of Palestine shall, as the mandatory Power withdraws its armed forces, be progressively turned over to the Commission, which shall act in conformity with the recommendations of the General Assembly, under the guidance of the Security Council. The mandatory Power shall to the fullest possible extent co-ordinate its plans for withdrawal with the plans of the Commission to take over and administer areas which have been evacuated.

In the discharge of this administrative responsibility the Commission shall have authority to issue secondary regulations and take other measures as required.

The mandatory Power shall not take any action to prevent, obstruct or delay the implementation by the Commission of the measures recommended by the General Assembly.

3. On its arrival in Palestine the Commission shall proceed to carry out measures for the establishment of the Jewish State and the City of Jerusalem in accordance with the general lines of the recommendations of the General Assembly on the partition of Palestine. Nevertheless, the boundaries as described in part II of this plan are to be modified in such a way that village areas as a rule will not be divided by state boundaries unless pressing reasons make that necessary.

4. The Commission, after consultation with the democratic parties and other public organizations

of the Arab and Jewish States, shall select and establish in each State as rapidly as possible a Provisional Council of Government. The members of both the Arab and Jewish Provisional Councils of Government shall be elected on a basis of general election of the Commission.

If by 1 April 1948 a Provisional Council of Government cannot be elected for either of the States, or, if elected, cannot carry out its functions, the Commission shall recommend that both to the Security Council for such action with respect to that State as the Security Council may deem proper, and to the Secretary-General for communication to the Members of the United Nations.

5. Subject to the provisions of these recommendations, during the transitional period the Provisional Councils of Government, acting under the Commission, shall have full authority in the areas under their control, including authority over matters of immigration and land regulations.

6. The Provisional Council of Government of each State, acting under the Commission, shall progressively resolve from the Commission full responsibility for the administration of that State in the period between the termination of the Mandate and the establishment of the State's independence.

7. The Commission shall instruct the Provisional Councils of Government of both the Arab and Jewish States, after their formation, to proceed to the establishment of administrative organs of government, central and local.

8. The Provisional Council of Government of each State shall, within the shortest time possible, secure an armed militia from the residents of that State, sufficient in number to maintain internal order and to prevent frontier clashes.

The armed militia in each State shall, for operational purposes, be under the command of Jewish or Arab officers resident in that State, but general political and military control, including the choice of the militia's High Command, shall be exercised by the Commission.

9. The Provisional Council of Government of each State shall, not later than two months after the withdrawal of the armed forces of the mandatory Power, hold elections to the Constituent Assembly which shall be conducted on democratic lines.

The election regulations in each State shall be drawn up by the Provisional Council of Government and approved by the Commission. Qualified voters for each State for the election shall be persons over eighteen years of age who are: (a) Palestinian citizens residing in that State and (b) Arabs and Jews residing in the State, although not Palestinian citizens, who, before voting, have signed a contract of intention to become citizens of that State.

Arabs and Jews residing in the City of Jerusalem who have signed a contract of intention to become citizens, the Arabs of the Arab State and the Jews of the Jewish State, shall be entitled to vote in the Arab and Jewish States respectively.

Women may vote and be elected to the Constituent Assemblies.

During the transitional period no Jew shall be permitted to establish residence in the area of the proposed Arab State, and no Arab shall be permitted

to establish residence in the area of the proposed Jewish State, except by special leave of the Commission.

10. The Constituent Assembly of each State shall draft a democratic constitution for its State and choose a provisional government to submit to the Provisional Council of Government appointed by the Commission. The constitution of the State shall embody chapters 1 and 2 of the Declaration provided for in section C below and include inter alia provision for:

(a) Establishing in each State a legislative body elected by universal suffrage and by secret ballot on the basis of proportional representation, and an executive body responsible to the legislature;

(b) Settling all international disputes in which the State may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered;

(c) Accepting the obligation of the State to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;

(d) Guaranteeing to all persons equal and non-discriminatory rights in civil, political, economic and religious matters and the enjoyment of human rights and fundamental freedoms, including freedom of religion, language, speech and publication, education, assembly and association;

(e) Preserving freedom of transit and visit for all residents and citizens of the other State in Palestine and the City of Jerusalem, subject to considerations of national security, provided that each State shall ensure residence within its borders.

11. The Commission shall appoint a preparatory economic commission of three members to make whatever arrangements are possible for economic co-operation, with a view to establishing, as soon as practicable, the Economic Union and the Joint Economic Board, as provided in section D below.

12. During the period between the adoption of the recommendations on the question of Palestine by the General Assembly and the termination of the Mandate, the mandatory Power in Palestine shall maintain full responsibility for administration in areas from which it has not withdrawn its armed forces. The Commission shall assist the mandatory Power in the carrying out of these functions. Similarly the mandatory Power shall co-operate with the Commission in the execution of its functions.

13. With a view to ensuring that there shall be continuity in the functioning of administrative services and that, on the withdrawal of the armed forces of the mandatory Power, the whole administration shall be in the charge of the Provisional Councils and the Joint Economic Board, respectively, acting under the Commission, there shall be a gradual transfer, from the mandatory Power to the Commission, of responsibility for all the functions of government, including that of maintaining law and order in the areas from which the forces of the mandatory Power have been withdrawn.

14. The Commission shall be guided in its activities by the recommendations of the General Assembly

and by such instructions as the Security Council may consider necessary to issue.

The measures taken by the Commission, within the recommendations of the General Assembly, shall become immediately effective unless the Commission has previously received contrary instructions from the Security Council.

The Commission shall submit periodic monthly progress reports, or more frequently if desirable, to the Security Council.

15. The Commission shall make its final report to the next regular session of the General Assembly and the Security Council simultaneously.

C. DECLARATION

A declaration shall be made to the United Nations by the provisional governments of each proposed State before independence. It shall contain inter alia the following elements:

GENERAL PRINCIPLES

The stipulations contained in the declaration are recognized as fundamental laws of the State and no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

CHAPTER I

Holy Places, religious buildings and sites

1. Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.

2. In so far as Holy Places are concerned, the liberty of access, visit and transit shall be guaranteed, in conformity with existing rights, to all residents and citizens of the other State and of the City of Jerusalem, as well as to aliens, without distinction as to nationality, subject to requirements of national security, public order and decorum.

Similarly, freedom of worship shall be guaranteed in conformity with existing rights, subject to the maintenance of public order and decorum.

3. Holy Places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Government that any particular Holy Place, religious building or site is in need of urgent repair, the Government may call upon the community or communities concerned to carry out such repair. The Government may carry it out itself at the expense of the community or communities concerned if no action is taken within a reasonable time.

4. No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation on the date of the creation of the State.

No change in the incidence of such taxation shall be made which would either discriminate between the owners or occupants of Holy Places, religious buildings or sites, or would place such owners or occupants in a position less favourable in relation to the general incidence of taxation than existed at the time of the adoption of the Assembly's recommendations.

5. The Governor of the City of Jerusalem shall have the right to determine whether the provisions

of the Constitution of the State in relation to Holy Places, religious buildings and sites within the borders of the State and the religious rights appertaining thereto, are being properly applied and respected, and to make decisions on the basis of existing rights in cases of disputes which may arise between the different religious communities or the sites of a religious community with respect to such places, buildings and sites. He shall receive full cooperation and such privileges and immunities as are necessary for the exercise of his functions in the State.

CHAPTER 2

Religious and minority rights

1. Freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, shall be ensured to all.

2. No discrimination of any kind shall be made between the inhabitants on the ground of race, religion, language or sex.

3. All persons within the jurisdiction of the State shall be entitled to equal protection of the laws.

4. The family law and personal status of the various minorities and their religious interests, including endowments, shall be respected.

5. Except as may be required for the maintenance of public order and good government, no measure shall be taken to obstruct or interfere with the exercise of religious or charitable bodies of all faiths or to discriminate against any representative or member of these bodies on the ground of his religion or nationality.

6. The State shall ensure adequate primary and secondary education for the Arab and Jewish minority, respectively, in its own language and in cultural traditions.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the State may impose, shall not be denied or impaired. Foreign educational establishments shall continue their activity on the basis of their existing rights.

7. No restriction shall be imposed on the free use by any citizen of the State of any language in private conversation, in commerce, in religion, in the Press or in publications of any kind, or in public meetings.

8. No expropriation of land owned by an Arab in the Jewish State (by a Jew in the Arab State)¹ shall be allowed except for public purposes. In all cases of expropriation full compensation as fixed by the Supreme Court shall be paid previous to dispossession.

¹The following stipulation shall be added to the definition concerning the Jewish State: "In the Jewish State adequate facilities shall be given to Arabic-speaking citizens for the use of their language, either orally or in writing, in the legislature, before the Courts and in the administration."

²In the definition concerning the Arab State, the words "by a Jew in the Jewish State" shall be replaced by the words "by a Jew in the Arab State".

CHAPTER 3

Citizenship, international conventions and financial obligations

1. *Citizenship.* Palestinian citizens residing in Palestine outside the City of Jerusalem, as well as Arabs and Jews who, not holding Palestinian citizenship, reside in Palestine outside the City of Jerusalem shall, upon the recognition of independence, become citizens of the State in which they are resident and enjoy full civil and political rights. Persons over the age of eighteen years may opt, within one year from the date of recognition of independence of the State in which they reside, for citizenship of the other State, providing that no Arab residing in the area of the proposed Arab State shall have the right to opt for citizenship in the proposed Jewish State and no Jew residing in the proposed Jewish State shall have the right to opt for citizenship in the proposed Arab State. The exercise of this right of option will be taken to include the wives and children under eighteen years of age of persons so opting.

Arabs residing in the area of the proposed Jewish State and Jews residing in the area of the proposed Arab State who have signed a notice of intention to opt for citizenship of the other State shall be eligible to vote in the elections to the Constituent Assembly of that State, but not in the elections to the Constituent Assembly of the State in which they reside.

2. *International conventions.* (a) The State shall be bound by all the international agreements and conventions, both general and special, to which Palestine has become a party. Subject to any right of denunciation provided for therein, such agreements and conventions shall be respected by the State throughout the period for which they were concluded.

(b) Any dispute about the applicability and continued validity of international conventions or treaties signed or adhered to by the mandatory Power on behalf of Palestine shall be referred to the International Court of Justice in accordance with the provisions of the Statute of the Court.

3. *Financial obligations.* (a) The State shall respect and fulfil all financial obligations of whatever nature assumed on behalf of Palestine by the mandatory Power during the exercise of the Mandate and recognized by the State. This provision includes the right of public servants to pensions, compensation or gratuity.

(b) These obligations shall be fulfilled through participation in the Joint Economic Board in respect of those obligations applicable to Palestine as a whole, and individually in respect of those applicable to, and fairly apportionable between, the States.

(c) A Court of Claims, affiliated with the Joint Economic Board, and composed of one member appointed by the United Nations, one representative of the United Kingdom and one representative of the State concerned, should be constituted. Any dispute between the United Kingdom and the State concerning claims not recognized by the latter should be referred to that Court.

(d) Commercial concessions granted in respect of any part of Palestine prior to the adoption of the resolution by the General Assembly shall continue to be valid according to their terms, unless modified by agreement between the concession-holder and the State.

CHAPTER 4

Miscellaneous provisions

1. The provisions of chapters 1 and 2 of the declaration shall be under the guarantee of the United Nations, and no modifications shall be made in them without the assent of the General Assembly of the United Nations. Any Member of the United Nations shall have the right to bring to the attention of the General Assembly any infraction or danger of infraction of any of these stipulations, and the General Assembly may thereupon make such recommendations as it may deem proper in the circumstances.

2. Any dispute relating to the application or the interpretation of this declaration shall be referred, at the request of either party, to the International Court of Justice, unless the parties agree to another mode of settlement.

D. ECONOMIC UNION AND TRANSIT

1. The Provisional Council of Government of each State shall enter into an undertaking with respect to Economic Union and Transit. This undertaking shall be drafted by the Commission provided for in article 8, paragraph 1, willing to the greatest possible extent the advice and cooperation of representative organizations and bodies from each of the proposed States. It shall contain provisions to establish the Economic Union of Palestine and provide for other matters of common interest. If by 1 April 1948 the Provisional Councils of Government have not entered into the undertaking, the undertaking shall be put into force by the Commission.

The Economic Union of Palestine

2. The objectives of the Economic Union of Palestine shall be:

- (a) A customs union;
- (b) A joint currency system providing for a single foreign exchange rate;
- (c) Operation in the common interest on a non-discriminatory basis of railways; inter-State highways; postal, telephone and telegraphic services, and ports and airports involved in international trade and commerce;

(d) Joint economic development, especially in respect of irrigation, land reclamation and soil conservation;

(e) Access for both States and for the City of Jerusalem on a non-discriminatory basis to water and power facilities.

3. There shall be established a Joint Economic Board, which shall consist of three representatives of each of the two States and three foreign members appointed by the Economic and Social Council of the United Nations. The foreign members shall be appointed in the first instance for a term of three years; they shall serve as individuals and not as representatives of States.

4. The functions of the Joint Economic Board shall be to implement either directly or by delegation the measures necessary to realize the objectives of the Economic Union. It shall have all powers of organization and administration necessary to fulfil its functions.

5. The States shall bind themselves to put into

effect the decisions of the Joint Economic Board. The Board's decisions shall be taken by a majority vote.

6. In the event of failure of a State to take the necessary action the Board may, by a vote of six members, decide to withhold an appropriate portion of that part of the customs revenue to which the State in question is entitled under the Economic Union. Should the State persist in its failure to co-operate, the Board may decide by a simple majority vote upon such further measures, including disposition of funds which it has withheld, as it may deem appropriate.

7. In relation to economic development, the functions of the Board shall be the planning, investigation and encouragement of joint development projects, but it shall not undertake such projects except with the assent of both States and the City of Jerusalem, in the event that Jerusalem is directly involved in the development project.

8. In regard to the joint currency system the measures circulating in the two States and the City of Jerusalem shall be issued under the authority of the Joint Economic Board, which shall be the sole issuing authority and which shall determine the reserves to be held against such currencies.

9. So far as is consistent with paragraph 2 (b) above, each State may operate its own central bank, control its own fiscal and credit policy, its foreign exchange receipts and expenditures, the grant of import licenses, and may conduct international financial operations on its own faith and credit. During the first two years after the termination of the Mandate, the Joint Economic Board shall have the authority to take such measures as may be necessary to ensure that—to the extent that the total foreign exchange revenues of the two States from the export of goods and services permit, and provided that each State takes appropriate measures—each State shall have available, in any twelve-month period, foreign exchange sufficient to ensure the supply of quantities of imported goods and services for consumption in its territory equivalent to the quantities of such goods and services consumed in that territory in the twelve-month period ending 31 December 1947.

10. All economic authority not specifically vested in the Joint Economic Board is reserved to each State.

11. There shall be a common customs tariff with complete freedom of trade between the States, and between the States and the City of Jerusalem.

12. The tariff schedule shall be drawn up by a Tariff Commission, consisting of representatives of each of the States in equal numbers, and shall be submitted to the Joint Economic Board for approval by a majority vote. In case of disagreement in the Tariff Commission, the Joint Economic Board shall arbitrate the points of difference. In the event that the Tariff Commission fails to draw up any schedule by a date to be fixed, the Joint Economic Board shall determine the tariff schedule.

13. The following items shall be a first charge on the customs and other common revenue of the Joint Economic Board:

The expenses of the customs service and of operation of the joint services;

The administrative expenses of the Joint Economic Board;

The financial obligations of the Administrative Board consisting of:

The service of the outstanding public debt;

The cost of superannuation benefits, now held or falling due in the future, in accordance with the rules and to the extent established by paragraph 3 of Chapter 3 above.

After these obligations have been met in full, surplus revenue from the customs and other services shall be divided in the following order: not less than 5 per cent and not more than 10 per cent to the City of Jerusalem; the residue be allocated to each State by the Joint Economic Board equitably, with the objective of maintaining a sufficient and suitable level of government services in each State, except that the residue of either State shall not exceed the amount of that State's contribution to the revenues of the Economic Union by more than approximately four per cent in any year. The amount granted to each State shall be adjusted by the Board according to the price index in relation to the prices prevailing at the time of establishment of the Union. After five years, the principles of the distribution of the joint revenue may be revised by the Joint Economic Board on a basis of equity.

All international conventions and treaties affecting customs tariff rates, and those communications services under the jurisdiction of the Joint Economic Board, shall be entered into by both States.

In these matters, the two States shall be bound to act in accordance with the majority vote of the Joint Economic Board.

The Joint Economic Board shall endeavour to secure for Palestine's exports fair and equal access to world markets.

All enterprises operated by the Joint Economic Board shall pay fair wages on a uniform basis.

Freedom of transit and visit

The undertaking shall contain provisions providing freedom of transit and visit for all residents of both States and of the City of Jerusalem to country considerations; provided each State and the City shall control residence in its borders.

Continuation, modification and interpretation of the undertaking

The undertaking and any treaty having therefrom shall remain in force for a period of ten years, and continue in force until notice of termination, in effect two years thereafter, is given by either party.

During the initial ten-year period, the undertaking and any treaty having therefrom may not be altered except by consent of both parties and with approval of the General Assembly.

Any dispute relating to the application or the termination of the undertaking and any treaty

having therefrom shall be referred, at the request of either party, to the International Court of Justice, unless the parties agree to another mode of settlement.

E. ASSETS

1. The movable assets of the Administration of Palestine shall be allocated to the Arab and Jewish States and the City of Jerusalem on an equitable basis. Allocations should be made by the United Nations Commission referred to in section 8, paragraph 1, above. Immovable assets shall become the property of the government of the territory in which they are situated.

2. During the period between the appointment of the United Nations Commission and the termination of the Mandate, the mandatory Power shall, except in respect of ordinary operations, consult with the Commission on any measure which it may contemplate involving the liquidation, disposal or encumbrance of the assets of the Palestine Government, such as the accumulated treasury surplus, the proceeds of Government bond issues, State loans or any other asset.

F. ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS

When the independence of either the Arab or the Jewish State as envisaged in this plan has become effective and the declaration and undertaking, so envisaged in this plan, have been signed by either of them, sympathetic consideration should be given to its application for admission to membership in the United Nations in accordance with Article 4 of the Charter of the United Nations.

PART II

Boundaries¹

A. THE ARAB STATE

The area of the Arab State in Western Galilee is bounded on the west by the Mediterranean and on the north by the frontier of the Lebanon from Ras an Napura to a point north of Saliba. From there the boundary proceeds southwards, leaving the built-up area of Saliba in the Arab State, to join the northernmost point of this village. Thence it follows the western boundary line of the villages of 'Alma, Rihabiyeh and Tulaibeh, thence following the northern boundary line of Ma'aron village to join the Acre-Safad sub-district boundary line. It follows this line to a point west of Za Samra's village and joins it again at the northernmost point of Faradisa. Thence it follows the sub-district boundary line to the Acre-Safad main road. From here it follows the western boundary of Kafr Tann village until it reaches the Tiberias-Acre sub-district boundary line, passing to the west of the junction of the Acre-Safad and Lahiya-Kafr Tann roads. From the

¹ The boundary line described in part II is indicated in Annex A. The base map used in drafting and describing the boundary is "Palestine 1:25,000" published by the Survey of Palestine, 1946.

south-west corner of Kafir T'nan village the boundary line follows the western boundary of the Tiberies sub-district to a point close to the boundary line between the villages of Maghar and Ellabun, thence bulging out to the west to include as much of the eastern part of the plain of Barraf as is necessary for the reservoir proposed by the Jewish Agency for the irrigation of lands to the south and east.

The boundary rejoins the Tiberies sub-district boundary at a point on the Namath-Tiberies road south-east of the built-up area of Tur'an; thence it runs southwards, at first following the sub-district boundary and then passing between the Kofeiris Agricultural School and Mount Tabor, to a point due south at the base of Mount Tabor. From here it runs due west, parallel to the horizontal grid line 250, to the north-east corner of the village lands of Tel Adashim. It then runs to the north-west corner of these lands, whence it turns south and west so as to include in the Arab State the sources of the Namath water supply in Yafa village. On reaching Qlansiger it follows the eastern, northern and western boundaries of the lands of this village to their south-west corner, whence it proceeds in a straight line to a point on the Haifa-Afula railway on the boundary between the villages of Sarid and El Mahjidi. This is the point of intersection.

The south-western boundary of the area of the Arab State in Galilee takes a line from this point, passing northwards along the eastern boundaries of Sarid and Gevat to the north-eastern corner of Mahalal, proceeding thence across the land of Kafir ha Harod to a central point on the northern boundary of the village of 'Ibit, thence westwards along that village boundary to the eastern boundary of Beit Lahia, thence northwards and north-eastwards along its western boundary to the north-eastern corner of Waldheim and thence north-westwards across the village lands of Sha'a 'Amar to the south-eastern corner of Ramat Yohanan. From here it runs due north-north-east to a point on the Sha'a 'Amar-Haifa road, west of its junction with the road to T'Billin. From there it proceeds north-east to a point on the northern boundary of T'Billin situated to the west of the T'Billin-Herod road. Thence along that boundary to its westernmost point, whence it turns to the north, follows across the village land of Yama to the north-western corner and along the western boundary of Jula road it reaches the Aza-Safed road. It then runs westwards along the southern side of the Safed-Aza road to the Galilee-Haifa District boundary, from which point it follows that boundary to the sea.

The boundary of the hill country of Samaria and Judea starts on the Jordan River at the Wadi Malih south-east of Beisan and runs due west to meet the Beisan-Jericho road and then follows the western side of that road in a north-westerly direction to the junction of the boundaries of the sub-districts of Beisan, Mahbas, and Janin. From that point it follows the Mahbas-Jenin sub-district boundary westwards for a distance of about three kilometers and then turns north-westwards, passing to the east of the built-up area of the village of Jallun and Paqqa's, to the boundary of the sub-district of Janin and Beisan at a point north-east of Maris.

Thence it proceeds first north-westwards to a point due north of the built-up area of Zif'in and then westwards to the Afula-Jenin railway, thence north-westwards along the district boundary line to the point of intersection on the Haifa railway. From here the boundary runs south-westwards, including the built-up area and some of the land of the village of Kh.Lid in the Arab State to cross the Haifa-Jenin road at a point on the district boundary between Haifa and Samaria west of El Muna. It follows this boundary to the southernmost point of the village of El Butimat. From here it follows the northern and eastern boundaries of the village of Ar'ara, rejoining the Haifa-Samaria district boundary at Wadi'Am, and thence proceeding south-west-westwards in an approximately straight line joining up with the western boundary of Qaqun to a point east of the railway line on the eastern boundary of Qaqun village. From here it runs along the railway line some distance to the east of it to a point just east of the Tulkarm railway station. Thence the boundary follows a line half-way between the railway and the Tulkarm-Qalqilya-Jajilja and Ras of Ein road to a point just east of Ras of Ein station, whence it proceeds along the railway some distance to the east of it to the point on the railway line south of the junction of the Haifa-Lydda and Beit Nabala lines, whence it proceeds along the southern border of Lydda airport to its southern corner, thence in a south-westerly direction to a point just west of the built-up area of Sandun of 'Amar, whence it turns south, passing just to the west of the built-up area of Abu el Fadil to the north-east corner of the lands of Beer Ya'-Agar. (The boundary line should be so demarcated so as to allow direct access from the Arab State to the airport.) Thence the boundary line follows the western and southern boundaries of Ramda village to the north-east corner of El Na'ana village, thence in a straight line to the southernmost point of El Barriya, along the eastern boundary of that village and the southern boundary of 'Ianna village. Thence it runs north to follow the southern side of the Jaffa-Jerusalem road until El Qubah, whence it follows the road to the boundary of Abu Shusha. It runs along the eastern boundaries of Abu Shusha, Seidan, Hadda to the southernmost point of Hadda, thence westwards in a straight line to the north-eastern corner of Umm Kalbia, thence following the northern boundaries of Umm Kalbia, Qazza and the northern and western boundaries of Mahbasin to the Gann District boundary and thence runs across the village lands of El Minawia, El Kaban, and Yama to the southern point of intersection, which is midway between the built-up area of Yama and Batai Sharqi.

From the southern point of intersection the boundary line runs north-westwards between the villages of Gann Yama and Batai to the sea at a point half way between Nabi Yunis and Minat el Qila, and south-eastwards to a point west of Qastina, whence it turns in a south-westerly direction, passing to the east of the built-up area of El Sawafir, Rah Sharqiya and Iddin. From the south-east corner of Iddin village it runs in a point south-west of the built-up area of Iddin 'Afia, crossing the Hahon-El Mahjidi road just to the west of the built-up area of Iddin Sawafir. Thence it proceeds southwards along the western village boundary of El Fakhja to

the BeerSheva sub-district boundary. It then runs across the tribal lands of 'Arab el Jubarat' to a point on the boundary between the sub-districts of BeerSheva and Hebron north of Kh. Khawila, whence it proceeds in a north-westerly direction to a point on the BeerSheva-Gaza main road two kilometres to the north-west of the town. It then turns south-eastwards to reach Wadi Sabi at a point situated one kilometre to the west of it. From here it turns north-eastwards and proceeds along Wadi Sabi and along the BeerSheva-Hebron road for a distance of one kilometre, whence it turns eastwards and runs in a straight line to Kh. Kurifa to join the BeerSheva-Hebron sub-district boundary. It then follows the BeerSheva-Hebron boundary eastwards to a point north of Ras El Zawaira, only departing from it so as to cut across the base of the indentation between vertical grid lines 150 and 160.

About five kilometres north-east of Ras el Zawaira it turns north, excluding from the Arab State a strip along the coast of the Dead Sea not more than seven kilometres in depth, as far as Ein Gaddi, whence it turns due east to join the Transjordan frontier in the Dead Sea.

The northern boundary of the Arab section of the coastal plain runs from a point between Minat el Qila and Nabi Yunis, passing between the built-up areas of Gan Yarus and Barqa to the point of intersection. From here it turns south-westwards, running across the lands of Bnei Shimon, along the eastern boundary of the lands of Bnei Dan and across the lands of Judah, leaving the built-up areas of Bnei Shimon and Judah to the westwards, as far as the north-west corner of the lands of Bnei Simeon. Thence it runs east of El Jiza across the village lands of El Barbur, along the eastern boundaries of the villages of Bnei Simeon and Dura. From the north-east corner of Dura the boundary passes across the lands of Bnei Simeon, leaving the Jewish lands of Hebron to the eastwards. From the south-east corner of Bnei Simeon the line runs south-west to a point south of the parallel grid line 100, then turns north-west for two kilometres, turning again in a south-westerly direction and continuing in an almost straight line to the north-west corner of the village lands of El Barbur. From there it follows the boundary line of this village to its north-west corner. It then runs in a southerly direction along the vertical grid line 90 to its junction with the horizontal grid line 70. It then turns south-eastwards to Kh. el Rubulin and then proceeds in a southerly direction to a point known as El Baha, beyond which it crosses the BeerSheva-El 'Anja main road to the west of Kh. el Rubulin. From there it joins Wadi El Zayza just to the west of El Rubulin. From there it turns to the north-east and then to the south-east following this wadi and passes to the east of 'Abdin to join Wadi Nafih, Wadi Ayria and Wadi Lusan to the point where Wadi Lusan crosses the Egyptian frontier.

The area of the Arab enclave of Jaffa consists of that part of the town-planning area of Jaffa which lies to the west of the Jewish quarter lying south of Tel-Aviv, to the west of the continuation of Harel street up to its junction with the Jaffa-Jerusalem road, to the south-west of the section of the Jaffa-

Jerusalem road lying south-east of that junction, to the west of Miyea Yarus lands, to the north-west of Hebron local council area, to the north of the line linking up the north-west corner of Hebron with the north-east corner of Ras Yarus local council area and to the north of Ras Yarus local council area. The question of Karim quarter will be decided by the Boundary Commission, bearing in mind among other considerations the desirability of including the smallest possible number of its Arab inhabitants and the largest possible number of its Jewish inhabitants in the Jewish State.

B. THE JEWISH STATE

The north-eastern sector of the Jewish State (Eastern Galilee) is bounded on the north and west by the Lebanese frontier and on the east by the frontiers of Syria and Transjordan. It includes the whole of the Hula Basin, Lake Tiberias, the whole of the Beisan sub-district, the boundary line being extended to the crest of the Gilead mountains and the Wadi Malih. From there the Jewish State extends north-west, following the boundary described in respect of the Arab State.

The Jewish section of the coastal plain extends from a point between Minat el Qila and Nabi Yunis in the Gaza sub-district and includes the towns of Haifa and Tel-Aviv, leaving Jaffa as an enclave of the Arab State. The eastern frontier of the Jewish State follows the boundary described in respect of the Arab State.

The BeerSheva area comprises the whole of the BeerSheva sub-district, including the Negev and the eastern part of the Gaza sub-district, but excluding the town of BeerSheva and those areas described in respect of the Arab State. It includes also a strip of land along the Dead Sea stretching from the BeerSheva-Hebron sub-district boundary line to Ein Gaddi, as described in respect of the Arab State.

C. THE CITY OF JERUSALEM

The boundaries of the City of Jerusalem are as defined in the recommendations on the City of Jerusalem. (See Part III, Section B, below).

PART III

City of Jerusalem

A. SPECIAL REGIME

The City of Jerusalem shall be established as a *corpus separatum* under a special international regime and shall be administered by the United Nations. The Trusteeship Council shall be designated to discharge the responsibilities of the Administering Authority on behalf of the United Nations.

B. BOUNDARIES OF THE CITY

The City of Jerusalem shall include the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Ain Dia; the most southern, Bethlehem; the most western, Ein Karim (including also the built-up area of Motza); and the most northern Shu'fat, as indicated on the attached sketch-map (annex B).

C. STATUTE OF THE CITY

The Trusteeship Council shall, within five months of the approval of the present plan, elaborate and

approve a detailed Statute of the City which shall contain inter alia the substance of the following provisions:

1. *Government machinery; special objectives.* The Administering Authority in discharging its administrative obligations shall pursue the following special objectives:

(a) To protect and to preserve the unique spiritual and religious interests located in the City of the three great monotheistic faiths throughout the world, Christian, Jewish and Moslem; to this end to ensure that order and peace, and especially religious peace, reign in Jerusalem;

(b) To foster co-operation among all the inhabitants of the city in their own interests as well as in order to encourage and support the peaceful development of the mutual relations between the two Palestinian peoples throughout the Holy Land; to promote the security, well-being and any constructive measures of development of the residents, having regard to the special circumstances and customs of the various peoples and communities.

2. *Governor and administrative staff.* A Governor of the City of Jerusalem shall be appointed by the Trusteeship Council and shall be responsible to it. He shall be selected on the basis of special qualifications and without regard to nationality. He shall not, however, be a citizen of either State in Palestine.

The Governor shall represent the United Nations in the City and shall exercise on their behalf all powers of administration, including the conduct of external affairs. He shall be assisted by an administrative staff chosen as international officers in the meaning of Article 100 of the Charter and chosen wherever practicable from the residents of the city and of the rest of Palestine on a non-discriminatory basis. A detailed plan for the organization of the administration of the city shall be submitted by the Governor to the Trusteeship Council and duly approved by it.

3. *Local autonomy.* (a) The existing local authorities, units in the territory of the city (villages, townships and municipalities) shall enjoy wide powers of local government and administration.

(b) The Governor shall study and submit for the consideration and decision of the Trusteeship Council a plan for the establishment of special town units consisting, respectively, of the Jewish and Arab sections of new Jerusalem. The new town units shall continue to form part of the present municipality of Jerusalem.

4. *Security measures.* (a) The City of Jerusalem shall be demilitarized; its neutrality shall be declared and preserved; and no para-military formations, armaments or armaments shall be permitted within its borders.

(b) Should the administration of the City of Jerusalem be seriously obstructed or prevented by the non-co-operation or interference of one or more sections of the population, the Governor shall have authority to take such measures as may be necessary to ensure the effective functioning of the administration.

(c) To assist in the maintenance of internal law and order and essentially for the protection of the

Holy Places and religious buildings and sites in the city, the Governor shall organize a special police force of adequate strength, the members of which shall be recruited outside of Palestine. The Governor shall be empowered to direct such budgetary provision as may be necessary for the maintenance of this force.

5. *Legislative organization.* A Legislative Council, elected by adult residents of the city irrespective of nationality on the basis of universal and secret suffrage and proportional representation, shall have powers of legislation and taxation. No legislative measures shall, however, conflict or interfere with the provisions which will be set forth in the Statute of the City, nor shall any law, regulation, or official action prevail over them. The Statute shall grant to the Governor a right of vetoing bills inconsistent with the provisions referred to in the preceding sentence. It shall also empower him to promulgate temporary ordinances in case the Council fails to adopt in time a bill deemed essential to the normal functioning of the administration.

6. *Administration of justice.* The Statute shall provide for the establishment of an independent judiciary system, including a court of appeal. All the inhabitants of the City shall be subject to it.

7. *Economic union and economic regime.* The City of Jerusalem shall be included in the Economic Union of Palestine and be bound by all stipulations of the understanding and of any treaties issued therefrom, as well as by the decisions of the Joint Economic Board. The headquarters of the Economic Board shall be established in the territory of the City.

The Statute shall provide for the regulation of economic matters not falling within the regime of the Economic Union, on the basis of equal treatment and non-discrimination for all members of the United Nations and their nationals.

8. *Freedom of transit and visit; control of residence.* Subject to considerations of security, and of economic welfare as determined by the Governor under the directions of the Trusteeship Council, freedom of entry into, and residence within, the borders of the City shall be guaranteed for the residents or citizens of the Arab and Jewish States. Immigrants into, and residence within, the borders of the city for nationals of other States shall be controlled by the Governor under the directions of the Trusteeship Council.

9. *Relations with the Arab and Jewish States.* Representatives of the Arab and Jewish States shall be accredited to the Governor of the City and charged with the protection of the interests of their States and nationals in connection with the international administration of the City.

10. *Official languages.* Arabic and Hebrew shall be the official languages of the city. This will not preclude the adoption of one or more additional working languages, as may be required.

11. *Citizenship.* All the residents shall become *ipso facto* citizens of the City of Jerusalem unless they opt for citizenship of the State of which they have been citizens or, if Arabs or Jews, have filed an intention to become citizens of the Arab or Jewish State respectively, according to part I, section 2, paragraph 2, of this plan.

The Trusteeship Council shall make arrangements for counter promotion of the citizens of the City outside its territory.

12. *Freedom of citizens.* (a) Subject only to the requirements of public order and morals, the inhabitants of the City shall be assured the enjoyment of human rights and fundamental freedoms, including freedom of conscience, religion and worship, language, education, speech and Press, assembly and association, and justice.

(b) No discrimination of any kind shall be made between the inhabitants on the grounds of race, religion, language or sex.

(c) All persons within the City shall be entitled to equal protection of the law.

(d) The family law and personal status of the various persons and communities and their religious interests, including endowments, shall be respected.

(e) Except as may be provided for the maintenance of public order and good government, no measures shall be taken to obstruct or interfere with the exercise of religious or charitable bodies of all faiths or to discriminate against any representative or member of these bodies on the ground of his religion or nationality.

(f) The City shall ensure adequate primary and secondary education for the Arab and Jewish communities respectively, in their own languages and in accordance with their cultural traditions.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the City may impose, shall not be denied or impaired. Foreign educational establishments shall continue their activity on the basis of their existing rights.

(g) No restrictions shall be imposed on the free use by any inhabitant of the City of any language in private intercourse, in commerce, in religion, in the Press or in publications of any kind, or at public meetings.

13. *Holy Places.* (a) Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.

(b) Free access to the Holy Places and religious buildings or sites and the free exercise of worship shall be secured in conformity with existing rights and subject to the requirements of public order and decorum.

(c) Holy Places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Governor that any particular Holy Place, religious building or site is in need of urgent repair, the Governor may call upon the community or communities concerned to carry out such repairs. The Governor may carry it out himself at the expense of the community or communities concerned if no action is taken within a reasonable time.

(d) No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation on the date of the creation of the City. No change in the incidence of such tax-

ation shall be made which would either discriminate between the owners or occupiers of Holy Places, religious buildings or sites, or would place such owners or occupiers in a position less favourable in relation to the general incidence of taxation than existed at the time of the adoption of the Assembly's recommendations.

14. *Special powers of the Governor in respect of the Holy Places, religious buildings and sites in the City and in any part of Palestine.* (a) The protection of the Holy Places, religious buildings and sites located in the City of Jerusalem shall be a special concern of the Governor.

(b) With relation to such places, buildings and sites in Palestine outside the city, the Governor shall determine, on the ground of powers granted to him by the Constitutions of both States, whether the provisions of the Constitutions of the Arab and Jewish States in Palestine dealing therewith and the religious rights appertaining thereto are being properly applied and respected.

(c) The Governor shall also be empowered to make decisions on the basis of existing rights in cases of disputes which may arise between the different religious communities or the claim of a religious community in respect of the Holy Places, religious buildings and sites in any part of Palestine.

In this task he may be assisted by a consultative council of representatives of different denominations acting in an advisory capacity.

D. DURATION OF THE SPECIAL REGIME

The Statute elaborated by the Trusteeship Council on the aforementioned principles shall come into force not later than 1 October 1948. It shall remain in force in the first instance for a period of ten years, unless the Trusteeship Council finds it necessary to undertake a re-examination of these provisions at an earlier date. After the expiration of this period the whole scheme shall be subject to re-examination by the Trusteeship Council in the light of the experience acquired with its functioning. The residents of the City shall be then free to express by means of a referendum their views as to possible modifications of the regime of the City.

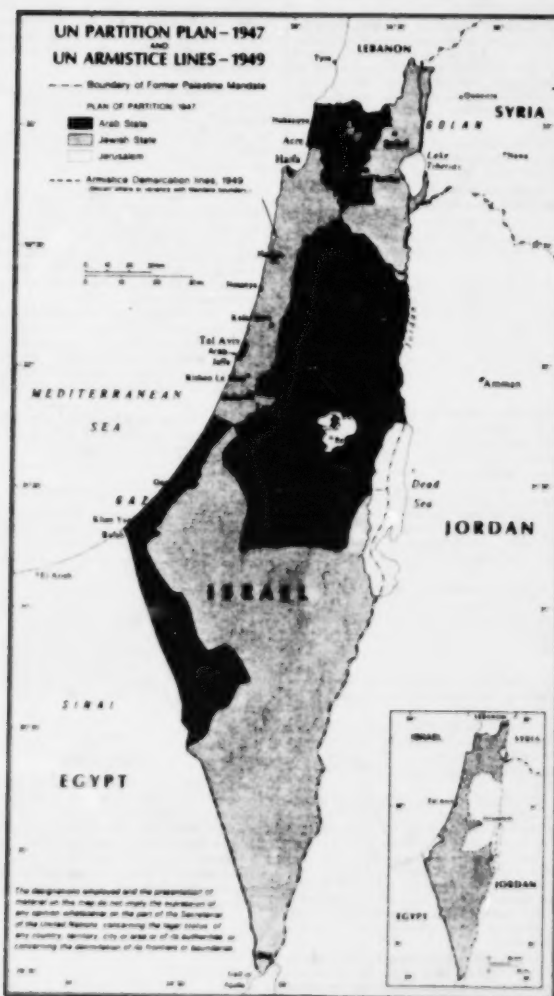
PART IV

Capitulations

States whose nationals have in the past enjoyed in Palestine the privileges and immunities of capitulations, including the benefits of consular jurisdiction and protection, or formerly enjoyed by capitulation or usage in the Ottoman Empire, are invited to re-examine any rights pertaining to them in the re-establishment of such privileges and immunities in the proposed Arab and Jewish States and the City of Jerusalem.

Annex II

U.N. PARTITION PLAN - 1947 AND U.N. ARMISTICE LINES - 1949



Annex III

LAUSANNE PROTOCOLS OF 12 MAY 1949

Annex A

RECORD OF A MEETING BETWEEN THE CONCILIATION COMMISSION AND
THE DELEGATIONS OF EGYPT, JORDAN, LEBANON AND SYRIA

held at Lausanne on 12 May 1949 at 11.30 a.m.

Present

Mr. de Boisanger (Chairman)	- France
Mr. Yalcin	- Turkey
Mr. Ethridge	- United States of America
Mr. Azcarate (Principal Secretary)	
H.E. Abdel Monem Mostafa	- Egypt
H.E. Fauzi Pasha Mulki	- Jordan
H.E. Fouad Bey Ammoun	- Lebanon
H.E. Adnan Atassi	- Syria

In the course of this meeting, the following Protocol was signed by the delegates of Egypt, Jordan, Lebanon and Syria, on the one hand, and the members of the Conciliation Commission on the other:

PROTOCOL

The United Nations Conciliation Commission for Palestine, anxious to achieve as quickly as possible the objectives of the General Assembly resolution of 11 December 1948 regarding refugees, the respect for their rights and the preservation of their property, as well as territorial and other questions, has proposed to the delegations of the Arab States and to the delegation of Israel that the working document attached hereto be taken as a basis for discussions with the Commission.

/...

The interested delegations have accepted this proposal with the understanding that the exchanges of view which will be carried on by the Commission with the two parties will bear upon the territorial adjustments necessary to the above-indicated objectives.

Lausanne, 12 May 1949

(Signed)

Monem Mostafa (Egypt)
Fauzi Mulki (Jordan)
F. Amoun (Lebanon)
Adnan Atassi (Syria)

(Signed)

Claude de Boisanger (France) - Chairman
Cahid Yalcin (Turkey)
Mark Ethridge (United States of
America)

Annex B

RECORD OF A MEETING BETWEEN THE CONCILIATION COMMISSION AND THE DELEGATION OF ISRAEL

held at Lausanne on 12 May 1949 at 10.30 a.m.

Present

Mr. de Boisanger (Chairman)	- France
Mr. Yalcin	- Turkey
Mr. Ethridge	- United States of America
Mr. Azcarate (Principal Secretary)	
Dr. Walter Eytan	- Israel

/...

In the course of this meeting, the following Protocol was signed by the delegation of Israel, on the one hand, and the members of the Conciliation Commission on the other:

PROTOCOL

The United Nations Conciliation Commission for Palestine, anxious to achieve as quickly as possible the objectives of the General Assembly resolution of 11 December 1948 regarding refugees, the respect for their rights and the preservation of their property, as well as territorial and other questions, has proposed to the delegation of Israel and to the delegations of the Arab States that the working document attached hereto be taken as a basis for discussions with the Commission.

The interested delegations have accepted this proposal with the understanding that the exchanges of view which will be carried on by the Commission with the two parties, will bear upon the territorial adjustments necessary to the above-indicated objectives.

Lausanne, 12 May 1949

(Signed)

(Signed)

Walter Eytan(Israel)

Claude de Boisanger (France) - Chairman
Cahid Yalcin (Turkey)
Mark Ethridge (United States of
America)

Annex IV

TERRITORIES OCCUPIED BY ISRAEL SINCE JUNE 1967



The territory presently occupied and administered by Israel includes the Gaza Strip, the West Bank and the Syrian Golan Heights. The West Bank and Gaza are bounded by the armistice lines negotiated by a United Nations mediator in 1949. They were overrun in 1967.

Annex V

SECURITY COUNCIL RESOLUTION 242 (1967) of 22 NOVEMBER 1967

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East,

Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security,

Emphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,

1. Affirms that the fulfilment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

- (i) Withdrawal of Israel armed forces from territories occupied in the recent conflict;
- (ii) Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;

2. Affirms further the necessity

- (a) For guaranteeing freedom of navigation through international waterways in the area;
- (b) For achieving a just settlement of the refugee problem;

(c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

3. Requests the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;

4. Requests the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

Adopted unanimously at the
1382nd meeting.

Annex VI

SECURITY COUNCIL RESOLUTION 338 (1973)
OF 22 OCTOBER 1973

The Security Council

1. Calls upon all parties to the present fighting to cease all firing and terminate all military activity immediately, no later than 12 hours after the moment of the adoption of this decision, in the positions they now occupy;
2. Calls upon the parties concerned to start immediately after the cease-fire the implementation of Security Council resolution 242 (1967) in all of its parts;
3. Decides that, immediately and concurrently with the cease-fire, negotiations shall start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East.

Adopted at the 1747th meeting
by 14 votes to none.*

*One member (China) did not participate in the voting.

Annex VII

SECURITY COUNCIL RESOLUTION 344 (1973)
OF 15 DECEMBER 1973

The Security Council,

Considering that it has decided by its resolution 338 (1973) of 22 October 1973 that talks among the parties to the Middle East conflict for the implementation of resolution 242 (1967) of 22 November 1967 should be held under "appropriate auspices",

Noting that a peace conference on the Middle East situation is to begin shortly at Geneva under the auspices of the United Nations,

1. Expresses the hope that the Peace Conference will make speedy progress towards the establishment of a just and durable peace in the Middle East;
2. Expresses its confidence that the Secretary-General will play a full and effective role at the Conference, in accordance with the relevant resolutions of the Security Council and that he will preside over its proceedings, if the parties so desire;
3. Requests the Secretary-General to keep the Council suitably informed of the developments in negotiations at the Conference, in order to enable it to review the problems on a continuing basis;
4. Requests the Secretary-General to provide all necessary assistance and facilities for the work of the Conference.

Adopted at the 1760th meeting by 10
votes to none with 4 abstentions
(France, Union of Soviet Socialist
Republics, United Kingdom of Great
Britain and Northern Ireland, United
States of America).*

*One member (China) did not participate in the voting.

Annex VIII

GENERAL ASSEMBLY RESOLUTION 3210 (XXIX)
(Invitation to the Palestine Liberation Organization)

The General Assembly,

Considering that the Palestinian people is the principal party to the question of Palestine,

Invites the Palestine Liberation Organization, the representative of the Palestinian people, to participate in the deliberations of the General Assembly on the question of Palestine in plenary meetings.

2268th plenary meeting
14 October 1974

Annex IX

GENERAL ASSEMBLY RESOLUTION 38/58
(Question of Palestine)

A

The General Assembly,

Recalling its resolutions 3376 (XXX) of 10 November 1975, 31/20 of 24 November 1976, 32/40 of 2 December 1977, 33/28 of 7 December 1978, 34/65 A and B of 29 November 1979 and 34/65 C and D of 12 December 1979, ES-7/2 of 29 July 1980, 35/169 of 15 December 1980, 36/120 of 10 December 1981, ES-7/4 of 28 April 1982, ES-7/5 of 26 June 1982, ES-7/9 of 24 September 1982 and 37/86 A of 10 December 1982,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, ^{1/}

1. Expresses its appreciation to the Committee on the Exercise of the Inalienable Rights of the Palestinian People for its efforts in performing the tasks assigned to it by the General Assembly;

2. Endorses the recommendations of the Committee contained in paragraphs 94 to 98 of its report and draws the attention of the Security Council to the fact that action on the Committee's recommendations, as repeatedly endorsed by the General Assembly at its thirty-first session and subsequently, is long overdue;

3. Requests the Committee to keep under review the situation relating to the question of Palestine as well as the implementation of the Programme of Action for the Achievement of Palestinian Rights ^{2/} adopted by the International Conference on the Question of Palestine, held at Geneva from 29 August to 7 September 1983, and to report and make suggestions to the General Assembly or the Security Council, as appropriate;

4. Requests the United Nations Conciliation Commission for Palestine, established under General Assembly resolution 194 (III) of 11 December 1948, as well as other United Nations bodies associated with the question of Palestine, to co-operate fully with the Committee and to make available to it, at its request, the relevant information and documentation which they have at their disposal;

5. Authorizes the Committee to continue to exert all efforts to promote the implementation of its recommendations, to send delegations or representatives to international conferences where such representation would be considered by it to be appropriate, and to report thereon to the General Assembly at its thirty-ninth session and thereafter;

6. Decides to circulate the report of the Committee to all the competent bodies of the United Nations and urges them to take the necessary action, as appropriate, in accordance with the Committee's programme of implementation;

7. Requests the Secretary-General to continue to provide the Committee with all the necessary facilities for the performance of its tasks.

55th plenary meeting
13 December 1983

^{1/} Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 35 (A/38/35).

^{2/} A/CONF.114/42, chap. I, sect. 8.

B

The General Assembly.

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, 1/

Noting, in particular, the information contained in paragraphs 84 to 91 of that report,

Recalling its resolutions 32/40 B of 2 December 1977, 33/29 C of 7 December 1978, 34/85 D of 12 December 1979, 35/169 D of 15 December 1980, 36/120 B of 10 December 1981 and 37/86 B of 10 December 1982,

1. Notes with appreciation the action taken by the Secretary-General in compliance with General Assembly resolution 37/86 B;

2. Requests the Secretary-General to ensure that the Division for Palestinian Rights of the Secretariat continues to discharge the tasks detailed in paragraph 1 of General Assembly resolution 32/40 B, paragraph 2 (b) of resolution 34/85 D and paragraph 3 of resolution 36/120 B, in consultation with the Committee on the Exercise of the Inalienable Rights of the Palestinian People and under its guidance;

3. Also requests the Secretary-General to provide the Division for Palestinian Rights with the necessary resources to accomplish its tasks and to expand its work programme, inter alia, through:

(a) Closer contacts with the media and wider dissemination of the Division's information material, particularly where information on the question of Palestine is inadequate;

(b) Increased contacts with non-governmental organizations and the convening of symposia and meetings for non-governmental organizations in different regions in order to heighten awareness of the facts relating to the question of Palestine;

4. Further requests the Secretary-General to ensure the continued co-operation of the Department of Public Information and other units of the Secretariat in enabling the Division for Palestinian Rights to perform its tasks and in covering adequately the various aspects of the question of Palestine;

5. Invites all Governments and organizations to lend their co-operation to the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Division for Palestinian Rights in the performance of their tasks;

6. Notes with appreciation the action taken by Member States to observe annually on 29 November the International Day of Solidarity with the Palestinian People and the issuance by them of special postage stamps for the occasion.

25th plenary meeting
13 December 1983

The General Assembly,

Recalling its resolution 36/130 C of 18 December 1981, in which it decided to convene, under the auspices of the United Nations, an International Conference on the Question of Palestine on the basis of its resolution E8-7/2 of 29 July 1980,

Recalling also its resolution 37/86 C of 18 December 1982 in which it, inter alia, reiterated the responsibility of the United Nations to strive for a lasting peace in the Middle East through a just solution of the problem of Palestine,

Having considered the report of the International Conference on the Question of Palestine, held at Geneva from 29 August to 7 September 1983, 1/

Convinced that the Conference, in having adopted by acclamation the Geneva Declaration on Palestine 4/ and the Programme of Action for the Achievement of Palestinian Rights, 2/ made an important and positive contribution to the attainment of a comprehensive, just and durable peace in the Middle East through a just solution to the problem of Palestine, the core of the Arab-Israeli conflict,

Conscious of the importance of the time factor in achieving a just solution to the problem of Palestine,

1. Takes note with satisfaction of the report of the International Conference on the Question of Palestine;
2. Endorses the Geneva Declaration on Palestine, adopted by acclamation on 7 September 1983;
3. Welcomes and endorses the call for convening an International Peace Conference on the Middle East in conformity with the following guidelines:
 - (a) The attainment by the Palestinian people of its legitimate inalienable rights, including the right to return, the right to self-determination and the right to establish its own independent State in Palestine;
 - (b) The right of the Palestine Liberation Organization, the representative of the Palestinian people, to participate on an equal footing with other parties in all efforts, deliberations and conferences on the Middle East;
 - (c) The need to put an end to Israel's occupation of the Arab territories, in accordance with the principle of the inadmissibility of the acquisition of territory by force, and, consequently, the need to secure Israeli withdrawal from the territories occupied since 1967, including Jerusalem;

1/ A/CONF.114/42.

4/ Ibid., chap. I, sect. A.

(d) The need to oppose and reject such Israeli policies and practices in the occupied territories, including Jerusalem, and any de facto situation created by Israel as are contrary to international law and relevant United Nations resolutions, particularly the establishment of settlements, as these policies and practices constitute major obstacles to the achievement of peace in the Middle East;

(e) The need to reaffirm as null and void all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, including the expropriation of land and property situated thereon, and in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel;

(f) The right of all States in the region to existence within secure and internationally recognized boundaries, with justice and security for all the people, the sine qua non of which is the recognition and attainment of the legitimate, inalienable rights of the Palestinian people as stated in subparagraph (a) above;

4. Invites all parties to the Arab-Israeli conflict, including the Palestine Liberation Organization, as well as the United States of America, the Union of Soviet Socialist Republics and other concerned States, to participate in the International Peace Conference on the Middle East on an equal footing and with equal rights;

5. Requests the Secretary-General, in consultation with the Security Council, urgently to undertake preparatory measures to convene the Conference;

6. Invites the Security Council to facilitate the organization of the Conference;

7. Also requests the Secretary-General to report on his efforts no later than 15 March 1984;

8. Decides to consider at its thirty-ninth session the report of the Secretary-General on the Conference.

95th plenary meeting
13 December 1983

D

The General Assembly,

Having considered the report of the International Conference on the Question of Palestine, held at Geneva from 29 August to 7 September 1983, 1/

Taking note of the Programme of Action for the Achievement of Palestinian Rights, 2/

Bearing in mind its resolution 38/145 of 19 December 1983 on assistance to the Palestinian people,

Urges the meeting of specialized agencies and other organizations of the United Nations system to be convened in 1964, referred to in General Assembly resolution 28/145, to take into account the recommendations of the five regional preparatory meetings of the International Conference on the Question of Palestine 1/ and the United Nations resolutions concerning economic and social assistance to the Palestinian people in developing a co-ordinated programme of economic and social assistance to the Palestinian people, and to ensure the implementation of that programme.

75th plenary meeting
13 December 1981

8

The General Assembly,

Having considered the report of the International Conference on the Question of Palestine, held at Geneva from 29 August to 7 September 1981, 1/

Convinced that the world-wide dissemination of accurate and comprehensive information and the role of non-governmental organizations and institutions remain of vital importance in heightening awareness of and support for the inalienable rights of the Palestinian people to self-determination and to the establishment of an independent sovereign Palestinian State,

Requests that the Department of Public Information of the Secretariat, in full co-operation and co-ordination with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, should:

- (a) Disseminate all information on the activities of the United Nations system relating to Palestine;
- (b) Expand publications and audio-visual coverage of the facts and developments pertaining to the question of Palestine;
- (c) Publish newsletters and articles in its respective publications on Israeli violations of the human rights of the Arab inhabitants of the occupied territories, and organize fact-finding missions to the area for journalists;
- (d) Organize regional seminars for journalists;
- (e) Disseminate appropriate information on the results of the International Conference on the Question of Palestine.

75th plenary meeting
13 December 1981

1/ Ibid., chap. II, paras. 10 and 11.

Annex X

GENERAL ASSEMBLY RESOLUTION 41/43
(Question of Palestine)

A

The General Assembly,

Recalling its resolutions 181 (II) of 29 November 1947, 194 (III) of 11 December 1948, 3236 (XXIX) of 22 November 1974, 3375 (XXX) and 3376 (XXX) of 10 November 1975, 31/20 of 24 November 1976, 32/40 of 1 December 1977, 33/28 of 7 December 1978, 34/65 A and B of 29 November 1979 and 34/65 C and D of 12 December 1979, ES-7/2 of 29 July 1980, 35/169 of 15 December 1980, 36/120 of 10 December 1981, ES-7/4 of 28 April 1982, ES-7/3 of 26 June 1982, ES-7/9 of 24 September 1982, 37/86 A of 10 December 1982, 38/58 A of 13 December 1983, 39/49 A of 11 December 1984 and 40/96 A of 12 December 1985.

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, ^{1/}

1. Expresses its appreciation to the Committee on the Exercise of the Inalienable Rights of the Palestinian People for its efforts in performing the tasks assigned to it by the General Assembly;

2. Endorses the recommendations of the Committee contained in paragraphs 112 to 120 of its report and draws the attention of the Security Council to the fact that action on the Committee's recommendations, as repeatedly endorsed by the General Assembly at its thirty-first session and subsequently, is still awaited;

3. Requests the Committee to continue to keep under review the situation relating to the Question of Palestine as well as the implementation of the Programme of Action for the Achievement of Palestinian Rights ^{2/} and to report and make suggestions to the General Assembly or the Security Council, as appropriate;

4. Authorizes the Committee to continue to exert all efforts to promote the implementation of its recommendations, including representation at conferences and meetings and the sending of delegations where such activities would be considered by it to be appropriate, and to report thereon to the General Assembly at its forty-second session and thereafter;

^{1/} Official Records of the General Assembly, Forty-first Session, Supplement No. 23 (A/41/23).

^{2/} Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1981 (United Nations publication, Sales No. E.83.I.21), chap. I, sect. B.

5. Requests the Committee to continue to extend its co-operation to non-governmental organizations in their contribution towards heightening international awareness of the facts relating to the question of Palestine and in creating a more favourable atmosphere for the full implementation of the Committee's recommendations, and to take the necessary steps to expand its contacts with those organizations;

6. Requests the United Nations Conciliation Commission for Palestine, established under General Assembly resolution 194 (III), as well as other United Nations bodies associated with the question of Palestine, to co-operate fully with the Committee and to make available to it, at its request, the relevant information and documentation which they have at their disposal;

7. Decides to circulate the report of the Committee to all the competent bodies of the United Nations and urges them to take the necessary action, as appropriate, in accordance with the Committee's programme of implementation;

8. Requests the Secretary-General to continue to provide the Committee with all the necessary facilities for the performance of its tasks.

93rd plenary session
2 December 1984

5

The General Assembly.

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, 1/

Taking note, in particular, of relevant information contained in paragraphs 71 to 101 of that report,

Recalling its resolutions 32/40 S of 2 December 1977, 31/28 C of 7 December 1978, 34/63 D of 12 December 1979, 35/159 D of 17 December 1980, 36/120 S of 10 December 1981, 37/80 S of 10 December 1982, 38/38 S of 13 December 1983, 39/49 S of 11 December 1984, and 40/96 S of 12 December 1985,

1. Takes note with appreciation of the action taken by the Secretary-General in compliance with General Assembly resolution 42/96 S;

2. Requests the Secretary-General to provide the Division for Palestinian Rights of the Secretariat with the necessary resources and to ensure that it continues to discharge the tasks detailed in paragraphs 2 and 3 of General Assembly resolution 40/96 S in consultation with the Committee on the Exercise of the Inalienable Rights of the Palestinian People and under its guidance;

3. Also requests the Secretary-General to ensure the continued co-operation of the Department of Public Information and other units of the Secretariat in enabling the Division for Palestinian Rights to perform its tasks and in covering adequately the various aspects of the question of Palestine;

4. Invites all Governments and organisations to lend their co-operation to the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Division for Palestinian Rights in the performance of their tasks;

5. Takes note with appreciation of the action taken by Member States to observe annually on 29 November the International Day of Solidarity with the Palestinian People and the issuance by them of special postage stamps for the occasion.

93rd plenary meeting
2 December 1986

C

The General Assembly.

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, 1/

Taking note, in particular, of the information contained in paragraphs 102 to 111 of that report,

Recalling its resolution 40/96 C of 12 December 1985,

Convinced that the world-wide dissemination of accurate and comprehensive information and the role of non-governmental organisations and institutions remain of vital importance in heightening awareness of and support for the inalienable rights of the Palestinian people to self-determination and to the establishment of an independent sovereign Palestinian State,

1. Takes note with appreciation of the action taken by the Department of Public Information of the Secretariat in compliance with General Assembly resolution 40/96 C,

2. Requests the Department of Public Information, in full co-operation and co-ordination with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to continue its special information programme on the question of Palestine for the biennium 1986-1987 and, in particular:

(a) To disseminate information on all the activities of the United Nations system relating to the question of Palestine;

(b) To continue to update publications on the facts and developments pertaining to the question of Palestine;

(c) To publish brochures and booklets on the various aspects of the question of Palestine, including Israeli violations of the human rights of the Arab inhabitants of the occupied territories;

(d) To expand its audio-visual material on the question of Palestine, including the production of a new film in 1987 and special series of radio programmes and television broadcasts;

(e) To organize fact-finding news missions to the area for journalists;

(f) To organize regional and national encounters for journalists.

93rd plenary meeting
2 December 1986

D

The General Assembly.

Recalling its resolutions 18/52 C of 13 December 1983, 19/49 D of 11 December 1984 and 42/96 D of 12 December 1985, in which it, inter alia, endorsed the call for convening the International Peace Conference on the Middle East.

Recalling also the relevant resolutions of the Security Council.

Reaffirming its resolutions 19/49 D and 42/96 D, in which it, inter alia, requested the Secretary-General, in consultation with the Security Council, to continue his efforts with a view to convening the Conference.

Having considered the report of the Secretary-General of 14 March 1986, in which he, inter alia, stated that "the obstacles which have so far prevented the convening of the International Peace Conference on the Middle East as called for by the General Assembly still exist", 1/ and his report of 29 October 1986, 2/

Expressing its regret that, owing to the negative attitude of some Member States, the difficulties regarding the convening of the Conference "have remained essentially the same", 3/ and expressing its hope that those Member States will reconsider their attitude.

1/ See A/41/215-S/17916, para. 1.

2/ A/41/768-S/19427.

3/ Ibid., para. 31.

Having heard the constructive statements made by numerous representatives, including that of the Palestine Liberation Organization,

Emphasizing the need to bring about a just and comprehensive settlement to the Arab-Israeli conflict which has persisted for nearly four decades,

Recognizing that the persistence of the Arab-Israeli conflict in the Middle East constitutes a threat to security and stability in the region and to world peace, and therefore directly involves the responsibility of the United Nations,

Strengthening its conviction that the convening of the Conference will constitute a major contribution by the United Nations towards the realization of a just solution to the question of Palestine conducive to the achievement of a comprehensive, just and lasting solution to the Arab-Israeli conflict,

Appreciating the concern about the exacerbating situation in the Middle East as voiced in a great many statements during the general debate at the current session and at previous sessions,

1. Takes note with appreciation of the reports of the Secretary-General;
2. Determines that the question of Palestine is the core of the Arab-Israeli conflict in the Middle East;
3. Reaffirms once again its endorsement of the call for convening the International Peace Conference on the Middle East in conformity with the provisions of the resolution 18/14 C;
4. Stresses the urgent need for additional concrete and constructive efforts by all Governments in order to convene the Conference without further delay;
5. Endorses the call for setting up a preparatory committee, within the framework of the Security Council, with the participation of the permanent members of the Council, to take the necessary action to convene the Conference;
6. Requests the Secretary-General, in consultation with the Security Council, to continue his efforts with a view to convening the Conference and to report thereon to the General Assembly not later than 15 May 1987;
7. Decides to consider at its forty-second session the report of the Secretary-General on the implementation of the present resolution.

91st plenary meeting
2 December 1986

APPENDIX

GENERAL ASSEMBLY RESOLUTION 42/66
(Question of Palestine)

A

The General Assembly.

Recalling its resolutions 181 (II) of 29 November 1947, 194 (III) of 11 December 1948, 2124 (XXIX) of 23 November 1974, 3375 (XXX) and 3374 (XXX) of 10 November 1975, 31/20 of 14 November 1976, 32/40 of 3 December 1977, 33/28 of 7 December 1978, 34/45 A and B of 29 November 1979 and 34/45 C and D of 12 December 1979, 35-7/2 of 29 July 1980, 35/169 of 15 December 1980, 36/130 of 10 December 1981, 35-7/4 of 29 April 1982, 35-7/5 of 14 June 1982, 35-7/9 of 24 September 1982, 37/94 A of 10 December 1982, 38/58 A of 13 December 1983, 39/49 A of 11 December 1984, 40/94 A of 12 December 1985 and 41/43 A of 2 December 1986.

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, 1/

1. Expresses its appreciation to the Committee on the Exercise of the Inalienable Rights of the Palestinian People for its efforts in performing the tasks assigned to it by the General Assembly;
2. Endorses the recommendations of the Committee contained in paragraphs 91 to 96 of its report and draws the attention of the Security Council to the fact that action on the Committee's recommendations, as repeatedly endorsed by the General Assembly at its thirty-first session and subsequently, is still awaited;
3. Requests the Committee to continue to keep under review the situation relative to the question of Palestine as well as the implementation of the Programme of Action for the Achievement of Palestinian Rights 2/ and to report and make suggestions to the General Assembly on the Security Council, as appropriate;
4. Authorizes the Committee to continue to exert all efforts to promote the implementation of its recommendations, including representation at conferences and meetings and the sending of delegations, to make such adjustments in its approved programme of seminars and symposia and meetings for non-governmental organizations as it may consider necessary, and to report thereon to the General Assembly at its forty-third session and thereafter;

1/ Official Records of the General Assembly, Forty-second session, Supplement No. 13 (A/42/13).

2/ Report of the International Conference on the Question of Palestine, Geneva, 10 August-7 September 1981 (United Nations Publication, Sales No. E.81.I.11), chap. I, sect. 9.

3. Requests the Committee to continue to extend its co-operation to non-governmental organizations in their contribution towards heightening international awareness of the facts relating to the question of Palestine and creating a more favourable atmosphere for the full implementation of the Committee's recommendations, and to take the necessary steps to expand its contacts with those organizations;

4. Requests the United Nations Conciliation Commission for Palestine, established under General Assembly resolution 194 (III), as well as other United Nations bodies associated with the question of Palestine, to co-operate fully with the Committee and to make available to it, at its request, the relevant information and documentation which they have at their disposal;

5. Decides to circulate the report of the Committee to all the competent bodies of the United Nations and urges them to take the necessary action, as appropriate, in accordance with the Committee's programme of implementation;

6. Requests the Secretary-General to continue to provide the Committee with all the necessary facilities for the performance of its tasks.

69th plenary meeting
2 December 1987

8

The General Assembly.

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, 1/

Taking note, in particular, of the relevant information contained in paragraphs 26 to 30 of that report,

Recalling its resolutions 32/49 B of 2 December 1977, 33/29 C of 7 December 1978, 34/65 B of 13 December 1979, 35/160 B of 13 December 1980, 36/120 B of 10 December 1981, 37/96 B of 10 December 1982, 38/36 B of 13 December 1983, 39/49 B of 11 December 1984, 40/76 B of 13 December 1985, and 41/43 B of 2 December 1986,

1. Takes note with appreciation of the action taken by the Secretary-General in compliance with General Assembly resolution 41/43 B;

2. Requests the Secretary-General to provide the Division for Palestinian Rights of the Secretariat with the necessary resources and to ensure that it continues to discharge the tasks detailed in paragraph 1 of General Assembly resolution 32/49 B, paragraph 2 (b) of resolution 34/65 B, paragraph 3 of resolution 36/120 B, paragraph 3 of resolution 38/36 B and paragraph 3 of resolution 40/76 B, in consultation with the Committee on the Exercise of the Inalienable Rights of the Palestinian People and under its guidance;

3. Also requests the Secretary-General to ensure the continued co-operation of the Department of Public Information and other units of the Secretariat in enabling the Division for Palestinian Rights to perform its tasks and in covering adequately the various aspects of the question of Palestine;

4. Invites all Governments and organizations to lend their co-operation to the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Division for Palestinian Rights in the performance of their tasks;

5. Takes note with appreciation of the action taken by member States to observe annually on 29 November the International Day of Solidarity with the Palestinian People, and of the issuance by them of special postage stamps for the occasion.

89th plenary meeting
1 December 1988

C

The General Assembly.

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, 1/

Taking note, in particular, of the information contained in paragraphs 81 to 91 of that report.

Recalling its resolution 41/43 C of 1 December 1986,

Convinced that the world-wide dissemination of accurate and comprehensive information and the role of non-governmental organizations and institutions remain of vital importance in heightening awareness of and support for the inalienable rights of the Palestinian people to self-determination and to the establishment of an independent sovereign Palestinian State,

1. Takes note with appreciation of the action taken by the Department of Public Information of the Secretariat in compliance with General Assembly resolution 41/43 C;

2. Requests the Department of Public Information, in full co-operation and co-ordination with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to continue its special information programme on the question of Palestine during the biennium 1988-1989, with particular emphasis on public opinion in Europe and North America and, in particular:

(a) To disseminate information on all the activities of the United Nations system relating to the question of Palestine, including reports of the work carried out by the relevant United Nations organs;

(b) To continue to issue and update publications on the various aspects of the question of Palestine, including Israeli violations of the human rights of the Arab inhabitants of the occupied territories as reported by the relevant United Nations organs;

(c) To expand its audio-visual material on the question of Palestine, including the production of special series of radio programmes and television broadcasts;

(d) To organize fact-finding news missions to the area for journalists;

(e) To organize regional and national encounters for journalists.

89th plenary meeting
2 December 1987

D

The General Assembly.

Recalling its resolutions 38/38 C of 13 December 1983, 39/49 D of 11 December 1984, 40/96 D of 12 December 1985 and 41/43 D of 2 December 1986, in which it, inter alia, endorsed the call for the convening of the International Peace Conference on the Middle East.

Recalling also the relevant resolutions of the Security Council,

Reaffirming its resolutions 39/49 D, 40/96 D and 41/43 D, in which it, inter alia, requested the Secretary-General, in consultation with the Security Council, to continue his efforts with a view to convening the Conference.

Having considered the report of the Secretary-General of 13 November 1987, 1/ in which he, inter alia, stated that "the major obstacle at present, however, is one of a different kind, namely, the inability of the Government of Israel as a whole to agree on the principle of an international conference under United Nations auspices",

Expressing its regret that, owing to the attitudes of some Member States, the difficulties regarding the convening of the Conference have remained essentially the same, and expressing its hope that those Member States will reconsider their attitudes.

Having heard the statements made by numerous representatives, including the statement by the representative of the Palestine Liberation Organization,

Taking note of the resolutions as well as the Final Declaration of the Extraordinary Arab Summit Conference, held at Amman from 8 to 11 November 1987, in which, inter alia, the Arab leaders declared that "in the context of promoting peaceful efforts and endeavours seeking to achieve a just and durable peace in the Middle East region in accordance with international legality and the resolutions of the United Nations and on the basis of the return of all the occupied Palestinian and Arab territories and the restoration of the national rights of the Palestinian Arab people, the leaders supported, as the only appropriate means of settling the

1/ A/42/714-S/19249.

Arab-Israeli conflict in a peaceful, just and comprehensive manner, the convening of the International Peace Conference under the auspices of the United Nations and with the participation, on an equal footing, of all parties concerned, including the Palestine Liberation Organization, the sole legitimate representative of the Palestinian Arab people, and the permanent members of the Security Council", 4/

Noting with satisfaction the growing international consensus in favour of convening the Conference under the auspices of the United Nations, and in conformity with its relevant resolutions, to achieve a comprehensive settlement of the Arab-Israeli conflict, including the just solution of the question of Palestine, which is the core of this conflict,

Emphasizing the need to bring about a just and comprehensive settlement of the Arab-Israeli conflict, which has persisted for nearly four decades,

1. Takes note of the reports of the Secretary-General; 5/
2. Noting with satisfaction the ever-increasing international consensus in favour of the early convening of the International Peace Conference on the Middle East, as reflected in the statements made during the debate;
3. Determines once again that the question of Palestine is the core of the Arab-Israeli conflict in the Middle East;
4. Reaffirms once again its endorsement of the call for convening the Conference in conformity with the provisions of resolution 38/58 C, particularly the guidelines and participation determined therein;
5. Reiterates its endorsement of the call for setting up a preparatory committee, within the framework of the Security Council, with the participation of the permanent members of the Council, to take the necessary action to convene the Conference;
6. Stresses once again the urgent need for additional concrete and constructive efforts by all Governments in order to convene the Conference without further delay;
7. Requests the Secretary-General, in consultation with the Security Council, to continue his efforts with a view to convening the Conference and to report thereon to the General Assembly not later than 31 March 1988;
8. Decides to consider at its forty-third session the report of the Secretary-General on the implementation of the present resolution.

89th plenary meeting
2 December 1987

4/ See A/42/779-S/19274, annex.

5/ A/42/277-S/18849 and A/42/714-S/19249.

Annex XII

GENERAL ASSEMBLY RESOLUTION 42/209
(The situation in the Middle East)

A

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

Recalling its relevant resolutions on the question of Palestine and the situation in the Middle East,

Recalling also the relevant resolutions of the Security Council,

Recalling the report of the Secretary-General of 13 November 1987, 1/

Taking note with appreciation of the resolutions of the Extraordinary Arab Summit Conference, held at Amman from 8 to 11 November 1987, on the Arab-Israeli conflict and on the International Peace Conference on the Middle East,

Taking note with appreciation of the growing international consensus in favour of convening the Conference to resolve the Arab-Israeli conflict, of which the question of Palestine is the core,

1. Reaffirms once again that the convening of the International Peace Conference on the Middle East under the auspices of the United Nations and at the invitation of the Secretary-General of the United Nations, with the participation of the five permanent members of the Security Council and all the parties to the Arab-Israeli conflict, including the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people, on an equal footing, is the appropriate way to a peaceful, comprehensive and just settlement of the conflict which will ensure the restoration of the occupied Arab territories and the solution of the Palestinian question in all its aspects and guarantee the realization of the inalienable national rights of the Palestinian Arab people;

2. Calls upon all States that have not done so to lend their support to the convening of the Conference;

3. Requests the Secretary-General, in consultation with the Security Council, to continue his efforts with a view to convening the Conference and to apprise the General Assembly of the results of his consultations no later than September 1988.

97th plenary meeting
11 December 1987

1/ A/42/714-S/19249.

The General Assembly.

Having discussed the item entitled "The situation in the Middle East",

Reaffirming its resolutions 36/226 A and B of 17 December 1981, ES-9/L of 5 February 1982, 37/123 of 20 December 1982, 38/58 A to E of 13 December 1983, 38/180 A to D of 19 December 1983, 39/146 A to C of 14 December 1984, 40/168 A to C of 16 December 1985 and 41/162 A to C of 4 December 1986,

Recalling Security Council resolutions 425 (1978) of 19 March 1978, 497 (1981) of 17 December 1981, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 511 (1982) of 18 June 1982, 512 (1982) of 19 June 1982, 513 (1982) of 4 July 1982, 515 (1982) of 29 July 1982, 516 (1982) of 1 August 1982, 517 (1982) of 4 August 1982, 518 (1982) of 12 August 1982, 519 (1982) of 17 August 1982, 520 (1982) of 17 September 1982, 521 (1982) of 19 September 1982 and 555 (1984) of 12 October 1984,

Taking note of the reports of the Secretary-General of 7 May 1987, 2/ 10 August 1987 3/ and 13 November 1987, 1/

Reaffirming the need for continued collective support for the decisions adopted by the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982, 4/ reiterating its previous resolutions on the question of Palestine and its support for the Palestine Liberation Organization as the sole, legitimate representative of the Palestinian people, and considering that the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations, in accordance with General Assembly resolution 38/58 C and other relevant resolutions related to the question of Palestine, would contribute to the promotion of peace in the region,

Welcoming all efforts contributing towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East, in accordance with the United Nations resolutions relating to the question of Palestine and to the situation in the Middle East,

Welcoming the world-wide support extended to the just cause of the Palestinian people and the other Arab countries in their struggle against Israeli aggression and occupation in order to achieve a comprehensive, just and lasting peace in the Middle East and the full exercise by the Palestinian people of its inalienable national rights, as affirmed by previous resolutions of the General Assembly on the question of Palestine and on the situation in the Middle East,

2/ A/42/277-S/18849.

3/ A/42/465 and Add.1.

4/ See A/37/496-S/15510, annex. For the printed text, see Official Records of the Security Council, Thirty-seventh Year, Supplement for October, November and December 1982, document S/15510, annex.

Gravely concerned that the Palestinian and other Arab territories occupied since 1967, including Jerusalem, still remain under Israeli occupation, that the relevant resolutions of the United Nations have not been implemented and that the Palestinian people is still denied the restoration of its land and the exercise of its inalienable national rights in conformity with international law, as reaffirmed by resolutions of the United Nations,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, ^{5/} to all the Palestinian and other occupied Arab territories, including Jerusalem,

Reaffirming also all relevant United Nations resolutions which stipulate that the acquisition of territory by force is inadmissible under the Charter of the United Nations and the principles of international law and that Israel must withdraw unconditionally from all the Palestinian and other Arab territories it has occupied since 1967, including Jerusalem,

Reaffirming further the imperative necessity of establishing a comprehensive, just and lasting peace in the region, based on full respect for the Charter and the principles of international law,

Gravely concerned also at the continuing Israeli policies involving the escalation and expansion of the conflict in the region, which further violate the principles of international law and endanger international peace and security,

Stressing once again the great importance of the time factor in the endeavours to achieve an early comprehensive, just and lasting peace in the Middle East,

1. Reaffirms its conviction that the question of Palestine is the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable national rights and the immediate, unconditional and total withdrawal of Israel from all the Palestinian and other occupied Arab territories;

2. Reaffirms further that a just and comprehensive settlement of the situation in the Middle East cannot be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization, the representative of the Palestinian people;

3. Declares once more that peace in the Middle East is indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem, under the auspices of the United Nations and on the basis of its relevant resolutions, which ensures the complete and unconditional withdrawal of Israel from the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and which enables the Palestinian people, under the leadership of the Palestine Liberation Organization, to exercise its inalienable rights, including the right to return and the right to self-determination, national independence and the establishment of its independent sovereign State in Palestine, in accordance with the resolutions of the United Nations relating to the question of Palestine, in particular General Assembly resolutions 23-7/2 of 29 July 1980, 36/120 A to F of 10 December 1981, 37/86 A to D of 10 December 1982, 37/86 E of 20 December 1982, 38/38 A to E of 13 December 1983, 39/49 A to D of 11 December 1984, 40/96 A to D of 12 December 1985 and 41/43 A to D of 2 December 1986;

^{5/} United Nations, Treaty Series, vol. 78, No. 973.

4. Considers the Arab Peace Plan adopted unanimously at the Twelfth Arab Summit Conference, held at Fes, Morocco, on 23 November 1981 and from 6 to 9 September 1982, ^{4/} and reiterated by the Extraordinary Summit Conference of the Arab States, held at Casablanca, Morocco, from 7 to 9 August 1985, ^{5/} as well as relevant efforts and action to implement the Fes plan, as an important contribution towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East;

5. Condemns Israel's continued occupation of the Palestinian and other Arab territories, including Jerusalem, in violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and demands the immediate, unconditional and total withdrawal of Israel from all the territories occupied since 1967;

6. Rejects all agreements and arrangements which violate the inalienable rights of the Palestinian people and contradict the principles of a just and comprehensive solution to the Middle East problem to ensure the establishment of a just peace in the area;

7. Deplores Israel's failure to comply with Security Council resolutions 476 (1980) of 30 June 1980 and 478 (1980, of 20 August 1980 and General Assembly resolutions 35/207 of 16 December 1980 and 36/226 A and B of 17 December 1981; determines that Israel's decision to annex Jerusalem and to declare it as its "capital" as well as the measures to alter its physical character, demographic composition, institutional structure and status are null and void and demands that they be rescinded immediately; and calls upon all Member States, the specialized agencies and all other international organizations to abide by the present resolution and all other relevant resolutions and decisions;

8. Condemns Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, including expropriation, establishment of settlements, annexation and other terrorist, aggressive and repressive measures, which are in violation of the Charter and the principles of international law and the relevant international conventions;

9. Strongly condemns the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Arab Golan, its annexationist policies and practices, the establishment of settlements, the confiscation of lands, the diversion of water resources and the imposition of Israeli citizenship on Syrian nationals, and declares that all these measures are null and void and constitute a violation of the rules and principles of international law relative to belligerent occupation, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

10. Considers that the agreements on strategic co-operation between the United States of America and Israel, signed on 30 November 1981, and the continued supply of modern arms and material to Israel, augmented by substantial economic aid, including the recently concluded Agreement on the Establishment of a Free Trade Area between the two Governments, have encouraged Israel to pursue its aggressive and expansionist policies and practices in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and have had adverse effects on efforts for the establishment of a comprehensive, just and lasting peace in the Middle East and pose a threat to the security of the region;

^{4/} See A/40/564 and Corr.1, annex.

11. Calls once more upon all States to put an end to the flow to Israel of any military, economic, financial and technological aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people;

12. Strongly condemns the continuing and increasing collaboration between Israel and the racist régime of South Africa, especially in the economic, military and nuclear fields, which constitutes a hostile act against the African and Arab States and enables Israel to enhance its nuclear capabilities, thus subjecting the States of the region to nuclear blackmail;

13. Reaffirms its call for the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations and on the basis of its relevant resolutions, as specified in paragraph 3 of the Geneva Declaration on Palestine ^{1/} and endorsed by the General Assembly in its resolution 18/58 C;

14. Endorses the call for setting up a preparatory committee, within the framework of the Security Council, with the participation of the permanent members of the Council, to take the necessary action to convene the Conference;

15. Requests the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the General Assembly at its forty-third session a comprehensive report covering the developments in the Middle East in all their aspects.

97th plenary meeting
11 December 1987

C

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

Taking note of the report of the Secretary-General of 13 November 1987, ^{1/}

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Reaffirming its resolutions 16/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 A of 14 December 1982, 38/180 A of 19 December 1983, 39/146 B of 14 December 1984, 40/168 B of 16 December 1985 and 41/162 B of 4 December 1986,

Recalling its resolution 3314 (XXIX) of 14 December 1974, in which it defined an act of aggression, inter alia, as "the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof" and provided that "no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression",

^{1/} Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1981 (United Nations publication, Sales No. E.83.I.21), chap. I, sect. A.

Reaffirming the fundamental principles of the inadmissibility of the acquisition of territory by force,

Reaffirming once more the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 3/ to the Palestinian and other occupied Arab territories, including Jerusalem,

Noting that Israel's record, policies and actions establish conclusively that it is not a peace-loving Member State and that it has not carried out its obligations under the Charter of the United Nations,

Noting further that Israel has refused, in violation of Article 25 of the Charter, to accept and carry out the numerous relevant decisions of the Security Council, in particular resolution 497 (1981), thus failing to carry out its obligations under the Charter,

1. Strongly condemns Israel for its failure to comply with Security Council resolution 497 (1981) and General Assembly resolutions 36/226 B, ES-9/1, 37/123 A, 38/180 A, 39/146 B, 40/168 B and 41/162 B;

2. Declares once more that Israel's continued occupation of the Syrian Arab Golan and its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan constitute an act of aggression under the provisions of Article 39 of the Charter of the United Nations and General Assembly resolution 3314 (XXIX);

3. Declares once more that Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan is illegal and therefore null and void and has no validity whatsoever;

4. Declares all Israeli policies and practices of, or aimed at, annexation of the Palestinian and other occupied Arab territories, including Jerusalem, to be illegal and in violation of international law and of the relevant United Nations resolutions;

5. Determines once more that all actions taken by Israel to give effect to its decision relating to the occupied Syrian Arab Golan are illegal and invalid and shall not be recognized;

6. Reaffirms its determination that all relevant provisions of the Regulations annexed to the Hague Convention IV of 1907, 3/ and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect for their obligations under these instruments in all circumstances;

7. Determines once more that the continued occupation of the Syrian Arab Golan since 1967 and its annexation by Israel on 14 December 1981, following Israel's decision to impose its laws, jurisdiction and administration on that territory, constitute a continuing threat to international peace and security;

3/ Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1913), p. 100.

8. Strongly deplores the negative vote by a permanent member of the Security Council which prevented the Council from adopting against Israel, under Chapter VII of the Charter, the "appropriate measures" referred to in resolution 497 (1981) unanimously adopted by the Council;

9. Further deplores any political, economic, financial, military and technological support to Israel that encourages it to commit acts of aggression and to consolidate and perpetuate its occupation and annexation of the occupied Arab territories;

10. Firmly emphasizes once more its demand that Israel, the occupying Power, rescind forthwith its illegal decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Arab Golan, which resulted in the effective annexation of that territory;

11. Reaffirms once more the overriding necessity of the total and unconditional withdrawal by Israel from all the Palestinian and other Arab territories occupied since 1967, including Jerusalem, which is an essential prerequisite for the establishment of a comprehensive and just peace in the Middle East;

12. Determines once more that Israel's record, policies and actions confirm that it is not a peace-loving Member State, that it has persistently violated the principles contained in the Charter and that it has carried out neither its obligations under the Charter nor its commitment under General Assembly resolution 273 (III) of 11 May 1949;

13. Calls once more upon all Member States to apply the following measures:

(a) To refrain from supplying Israel with any weapons and related equipment and to suspend any military assistance that Israel receives from them;

(b) To refrain from acquiring any weapons or military equipment from Israel;

(c) To suspend economic, financial and technological assistance to and co-operation with Israel;

(d) To sever diplomatic, trade and cultural relations with Israel;

14. Reiterates its call to all Member States to cease forthwith, individually and collectively, all dealings with Israel in order totally to isolate it in all fields;

15. Urges non-member States to act in accordance with the provisions of the present resolution;

16. Calls upon the specialized agencies and other international organizations to conform their relations with Israel to the terms of the present resolution;

17. Requests the Secretary-General to report to the General Assembly at its forty-third session on the implementation of the present resolution.

97th plenary meeting
11 December 1987

D

The General Assembly,

Recalling its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983, 39/146 C of 14 December 1984, 40/168 C of 16 December 1985 and 41/162 C of 4 December 1986, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith.

Recalling Security Council resolution 478 (1980) of 20 August 1980, in which the Council, inter alia, decided not to recognize the "Basic Law" and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City.

Having considered the report of the Secretary-General of 13 November 1987, 1/

1. Determines that Israel's decision to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;

2. Deplores the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980), and their refusal to comply with the provisions of that resolution;

3. Calls once more upon those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;

4. Requests the Secretary-General to report to the General Assembly at its forty-third session on the implementation of the present resolution.

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